

THE EFFECT OF
ORIENTATION OF PROBATION WORKERS
AND
A COMPARISON OF OUTCOME OF PROBATION
IN SCOTLAND AND ENGLAND

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D E C L A R A T I O N

This thesis has been composed by me and is based upon my study and research. All use of and quotations from other works are acknowledged.

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TERMINOLOGY

Where the words ORIENTATION, JUDICIAL, INTERMEDIATE, CLINICAL, DEGREE, EMPHASIS, DETERRENT, SOCIAL CONTROL, MORAL IMPROVEMENT, EMOTIONAL HELP, SITUATIONAL HELP and PSYCHOLOGICAL TREATMENT appear in capital letters they have the meanings defined in the text.

Definitions of legal words and terms differ in Scotland and England. Below is the usage adopted in this comparative study except where the words or phrases are modified or qualified by the text.

misdemeanour)	These are used synonymously to denote any behaviour proscribed by law.
offence)	
crime)	
delinquent)	These are used synonymously to describe any person who offends against the law.
misdemeanant)	
offender)	
criminal)	
probationer)	Used synonymously to describe any person subject to a probation order.
client)	
social worker)	Used to describe any person engaged in any of the 'helping' professions including those engaged in probation supervision.
worker)	
probation officer		Used to describe social workers employed by the Probation and After-Care Service.

ABSTRACT

In the first part of this study the development of probation work is traced. It is shown that emphases from the past influence perceptions and aims of workers today. A new analysis of these is presented suggesting that workers' aims can be expressed on a continuum between two ORIENTATIONS, the JUDICIAL and the CLINICAL.

In the second part of the study, after description of characteristics of worker and probationer samples, four hypotheses are tested. Firstly changes in the behaviour of probationers subsequent to the making of a probation order are measured not only, as is usual, using reconviction rates, but also utilizing undetected offending rates, changes in the numbers of convictions, in the number of undetected offences, in the seriousness of these, in social stability, in employment stability, in attitudes (to work, law and authority, probation and self) and in social functioning. Little change in the behaviour of probationers is found.

Secondly, the outcome of probation in Scotland and England is compared. No consistent differences are found.

Thirdly, the existence of ORIENTATIONS and the feasibility of expressing aims of probation workers on the continuum between JUDICIAL and CLINICAL ORIENTATIONS are examined. The concept of ORIENTATIONS receives support; the measurement method devised appears workable.

Lastly, there is examination of changes in the behaviour of a sub-sample of probationers matched with their workers who were categorised using a tripartite division of the JUDICIAL/CLINICAL scale. Those probationers whose workers had a CLINICAL ORIENTATION appear to have fewer reconvictions and to have committed fewer undetected offences. Those probationers whose workers had an INTERMEDIATE ORIENTATION, that is, who fell in the middle of the scale, appear to have made greater change in a positive direction on all the other measures.

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In recent years systematic investigations of limited scope have increasingly replaced speculative treatises of general problems in the social sciences. This trend reflects a new sense of humility. We no longer presume that a few bold strokes suffice to explain the development of a civilization, and we are no longer too proud to concern ourselves with the study of small groups. By taking pains with details we hope to acquire the systematic knowledge needed for the scientific analysis of the important problems of modern society.

Peter M Blau

An Overview

'ADVISE, ASSIST AND BEFRIEND' ?

Probation has become an integral and important part of the British penal system but although it is an established institution in our society its efficacy is questioned and its value doubted. There is confusion about its aims and dispute upon its effects. Because the aims are nebulous it is difficult to define them, to measure 'success' in agreed and appropriate terms, and to examine the value of probation work to the community. This study will attempt to clarify the position by isolating some intentions, drawn from historical and contemporary sources, assessing their relative strengths today, and evaluating some possible effects of the system in terms of these intentions. It will be suggested that perceptions of the aims of probation can be viewed as a continuum between two orientations and that the intentions of individual workers, so classified, have different effects. By measuring certain changes in a number of probationers and comparing these with the intentions of the workers it is hoped to determine whether the effects of the system are in the intended areas and directions.

It will be shown that the probation system evolved slowly through religious endeavour, common and statute law, that it evolved as a pragmatic measure which, while allowing those of differing views to agree

upon it as a desirable method of dealing with offenders, was capable of being interpreted in the light of any philosophy and its practice adapted to incorporate those methods which any group believed efficacious. There was in the beginning, as now, little agreement upon its specific aims and intentions. Today the position is complex. Not all would agree with even the vague and generalised proposition that the primary purpose of probation is crime reduction: some would rather see it as a method of helping the individual to better personal adjustment or self-fulfilment; some would consider immaterial the possibility that these could lead to more acceptable social behaviour.

Such diversity of intent makes definition difficult. Early legislators avoided this problem. The 1887 Probation of First Offenders Act simply stated that the aim of probation was reformation. No criteria of reformation were set out nor mention made of methods to be used to achieve it. The Act stated that probation -

..... makes provision for cases where the reformation of persons convicted for first offences may, by reason of the offender's youth or the trivial nature of the offence, be brought about without imprisonment.

(1)

The first official definition of probation was made by the 1909 Departmental Committee on the Probation of Offenders Act which, twenty years after probation's formal inception, drew together the differing strands in a way which reflected the philosophy of the age. The Committee said probation was -

..... a method by which a person who has offended against the law, instead of being punished by imprisonment or fine, or in the case of a child, being sent for a prolonged period to a reformatory or industrial school, may be brought under the direct personal influence of a man or woman chosen for excellence of character and for strength of personal influence; and lending authority to that influence, securing that it shall not be treated as a thing of little account, the Act keeps suspended over the offender the penalties of law, to be inflicted or withdrawn according as his conduct during the specified period is bad or good.

(2)

In 1962 another Departmental Committee saw probation as -

..... the submission of an offender while at liberty to a specified period of supervision by a social caseworker who is an officer of the court; during this period the offender remains liable, if not of good conduct, to be otherwise dealt with by the court.

The 'social caseworker's task' was defined as -

..... the creation and utilization for the benefit of an individual who needs help with personal problems, of a relationship between himself and a trained social worker. (3)

From these two definitions, more than fifty years apart, it is seen that while the bones of the system have remained the same perceptions of the work have changed. The earlier quotation laid stress upon the importance of moral values and expressed the belief that these can be communicated to the offender and imposed upon him by strength of personality, but lest this fail, the Act held in reserve the threat of legal sanctions in the hope that these would deter the offender. There is implicit in it the view that the state has a right to codify its values, to control its members in accordance with these values and to employ sanctions; there is also an assumption that the offender, with free will, (4) chooses whether or not to behave in accordance with these codes. It is assumed that the principal aim of probation is to secure conformity to law.

The second quotation emphasises the probation officer's role as a therapist giving emotional and/or psychological help, and while the possibility of legal sanctions remains the language is less threatening; default no longer necessarily incurs the 'penalties' of the earlier definition by merely some other unspecified action. There is implicit in it an assumption of determinism (5) and in the description of the officer as a 'social caseworker' the idea that the offender is in need of therapeutic assistance in seeking a solution to his 'problems'. The main concern is the well-being of the probationer.

Probably many today would not give their definition in the tone of either of these because the ideas and intentions which influence probation work are constantly changing and as there were differing concepts in the early days so it seems likely that there are today. Opinions on the usefulness and effectiveness of probation are sharply divided but it may be that its opponents and proponents take their stances merely on value judgements of the perceived aims of the system rather than on assessment of the outcome. Certainly there is little research which attempts to evaluate it.

The police, for example, are not convinced that the system is an effective one. In April 1977 The Times published a report of a speech by the Deputy Chief Constable of West Yorkshire who castigated social workers' -

..... namby-pamby pussy-footing approach to the vicious element, who have never had it so good.

He claimed that it had become -

..... a work of art to get vandals before the courts because of the influence of so-called specialists - sociologists, psychologists, psychiatrists and idealists. (6)

Similarly, distrust, doubt and confusion are well illustrated by the leading article in a popular newspaper which demanded 'Who Wants Happy Criminals?' and went on to say -

Disturbing enough that crime is soaring, positively alarming that some social workers seem to be egging offenders on. A professor of social administration is reported as having recently advised probation officers that their job was first to make their 'clients' happy in their life of crime. Second they should divert thieves from the corner shop to Marks and Spencer's 'who can afford to lose the gear'.

At a conference of probation officers last week one delegate suggested that some members of the probation service were not just caring for lawbreakers but identifying themselves with offenders. Another delegate felt he had to remind the conference that they were not employed to 'find excuses for deviants'. The conference voted overwhelmingly NOT to put a clause in the constitution of the National Association of Probation Officers upholding the principle of 'obedience to

the rule of law'. The Association's Chairman said afterwards that this did not mean they had voted against law and order.

Where, then, do probation officers stand? The public pays them to straighten offenders out. Not to condone their crimes. They've got to be on the side of the law, not in league with the lawbreakers. (7)

Yet others would oppose the system on principle believing that punishment and retribution are essential components of a stable society and that probation does not, or does not sufficiently, incorporate these. Chief Justice Goddard was considering the good of society when he said -

I do not see how it can be said to be either non-Christian or can be regarded in any other way than as praiseworthy that the country should be willing to avenge crime; for, as far as I can understand, that is the only way in which the community can show their detestation of crime and their resolve that, if possible, it should be stamped out. (8)

A leading psychiatrist told a world conference that she feared that -

..... a permissive and nonpunitive approach to the delinquent may have serious ill-effects. (9)

These quotations illustrate the views of two groups which have in common underlying agreement that it is the purpose of probation to reduce crime, and particularly to prevent re-offending. They disagree on whether or not it does so. One group believes that probation is 'a good thing' and ought to be extended, and the other believes that it is ineffectual 'do-gooding' which ought to be curtailed, if not abolished.

There is, however, another school of thought, exemplified perhaps by the 'professor of social administration' quoted by the leader writer, which considers the question of re-offending irrelevant and measures the 'success' of probation in terms of improvement in the individual's social functioning, facilitation of psychological growth, or perhaps merely in producing greater happiness. Davies, a leading authority on probation, wrote -

I am convinced that the probation officer is first and foremost a social worker with a service to provide and with the main aim in supervision of offering input to the client of such a kind that will enrich his life, broaden his experience and add to his range of social contacts - any one of these might, nay must, lead to degrees of change - but not necessarily to any reduction in his criminal behaviour or in the likelihood of his being arrested. (10)

Halmos, a writer on social work, seemed to be ascribing combined intent to all social workers when he said -

Basically and essentially all the practitioners of counselling have a common origin and a common aim, their common ancestor is the giver of spiritual solace and their common aim is health, sanity, a state of unspecified virtue, even a state of grace, or merely a return to the virtues of the community, adjustment. (11)

Opinions on probation can, therefore, be divided into groups in favour of it and opposed to it as the quotations show, but such division does not take into account the value systems by which it is being judged nor the different views of appropriate outcome. This study will attempt to provide a division which takes account of intention.

To suggest that intent is guided by only one principal or emphasises any single aim exclusively would be to produce a caricature of the system. Most workers accept and attempt to reconcile different aims, using a number of guidelines in determining their intentions and in deciding their actions. The relative importance of the aims and guidelines will be determined by each worker by a complex and idiosyncratic hierarchy of values. It is not intended to search for such personal value systems. It is instead suggested that in assessing these competing aims the worker must give greater weight to some than others and that in doing so will display a certain bias or ORIENTATION. It is suggested that in probation work ORIENTATION can be divided into two categories -

the JUDICIAL and the CLINICAL. Definitions and examples of these are given in the text. Whether these ORIENTATIONS are differentially correlated with changes in probationer behaviour is then examined.

As a parallel study it was decided to further utilize the data necessarily collected taking advantage of the natural experimental situation provided by the different administrative systems now existing in Scotland and England to undertake a comparative study, particularly to explore the widely-held belief that probation in Scotland has suffered because of its compulsory incorporation into the new generic social work departments in contrast to England where it has remained a separate and autonomous service.

Incorporation of probation into the Social Work Departments caused grave disquiet in Scotland. The new arrangements were described by the Sheriffs' Association as 'a major flop' (12) and the Social Work (Scotland) Act 1968, which decreed them, was criticised by a sheriff as 'a most bungled piece of legislation' (13). The Sheriffs' Association claimed that 'so far as the bulk of criminals are concerned it is not working' (14).

Magistrates appear to have acted on these beliefs. There has been a steady drop in the numbers of people placed on probation in Scotland. In 1973 the figures were less than half of those for 1963 (2,112 compared with 5,029 (males)) (15) although the number of crimes and offences known to the police increased from 330,400 in 1963 to 505,700 in 1973 (16). In addition, there is strong feeling among some professional workers, particularly ex-probation officers, that the incorporation of probation into Social Work Departments led to a

reduction in the quality of service to offenders and for the courts.

It is of course impossible to examine these complaints by comparing probation in Scotland pre- and post-1968 because relevant and detailed data on pre-1968 probationers are not available, but it is possible to compare probation work in specialised and generic departments, the old and new systems, by comparing Scotland with England. Such a comparison may be more meaningful than a pre- and post-1968 comparison because ideas about the aims of probation and development in methods and techniques have been equally available to workers in the two countries. If it had been possible to compare the pre- with post-1968 services it could have been argued that any differences were due to increasing knowledge or developing techniques and not to differences between a generic and specialised service. Comparison of the systems as they operate concurrently in Scotland and England allows examination of the claim that lack of specialisation has adversely affected probation work in Scotland.

Finally, looking at the data at the most basic level, the study can be seen as a survey of the views of probation officers, social workers and probationers on certain aspects of the systems.

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- 16 Digest of Scottish Statistics 1963 Table 49 Edinburgh The
Scottish Office 1964

Experience sufficiently evinces that extraordinary severity has never produced any lasting Effect. It has indeed been sometimes found to check Evil for a Time, but then, as Montesquieu observes, it has returned with the same Violence as before. To render the intended effects permanent, the laws should be adapted to the Genius of the People, and the nature of the Constitution. And it would be a task well worthy of the Legislature, so to model them that they may answer better the true ends of Government which are to prevent, rather than to punish crimes.

Owen Ruffhead

Part I

Chapter 1

LEGISLATIVE GESTATION AND DEVELOPMENT

This chapter outlines the legislative development of probation for adults. It traces the idea from a number of possible progenitors, discusses departmental and other influential reports and summarizes the main enactments on probation. The increasing responsibilities of the probation officer and the greater variety of work undertaken are listed. Attention has been focussed on developments having effects on practice rather than upon legislation on, and developments in, administration, funding, or in the organisation of the service (1).

Because the study deals only with adults the special provisions for probation for children are not discussed although for a time such work was paramount and very often laws for children foreshadowed those for adults.

Pre-Probation

A Departmental Committee suggested that release to the community 'on probation' was first sanctioned in England by a tenth century statute of Athelstan (895-939) whose early, and isolated, attempt at differential disposal decreed that -

..... if his kindred will not take him or be surety for him then swear he, as the bishop shall teach him, that he will shun all evil, and let him be in bondage for his price.

(2)

It has not proved possible to find a Scottish example of such early date; although Scotland did then have an established legal

system there are few records extant prior to those of Malcolm III (Malcolm Canmore 1057-1093) (3) by which time Scottish law was being influenced by the English Roman-derived law through intermarriage between royal and important families.

In both countries, until about 1500, the law was in the hands of local sheriffs and barons and was, in the main, applied in a patchy and idiosyncratic manner. Later, pledges were accepted in minor cases, often domestic matters; in Scotland they were exacted for the most trivial offences. It is recorded, for example, that a wife was required to promise good behaviour after mis-spending her husband's means, and a similar avowal was made by a husband brought before the court for hitting his wife (4). Such promises were acceptable also in cases of minor commercial transgressions. Warnings were common, and promises of good behaviour accepted, in cases of a first theft, fighting or domestic brawls. Subsequent thefts and offences against public morality were likely to attract a fine, or more common in Scotland, social degradation. This usually took the form of standing on the repentance stool, or in the punishment corner in churches or churchyards (more common in Scotland) or of standing in the public stocks (mainly in England) (5). Thus it is established and documented that there was in both countries a tradition of keeping offenders within the community, of using social forces to induce conformity and as a deterrent. The community itself was the controlling agent (6).

The essential difference between these early measures and probation as we know it today is the compulsory supervision of the offender by a person specifically employed for the task. The idea of supervision first appeared around 1820 when Warwickshire Quarter Sessions released

certain young offenders after a nominal day's imprisonment on the understanding that they returned home -

..... to the care of their parent or master, to be by him more carefully watched and supervised in future. (7)

This influenced Matthew Davenport Hill, Recorder of Birmingham, who had practised as a barrister in Warwickshire, and who therefore knew of the system. From 1841 it was his custom to release certain selected young offenders to their parents or guardians after these had agreed to do their best for the child (8). Because in some cases, discovered by prior police enquiry, the parents were considered unsuitable, or were unable to do this, Hill compiled a register of 'guardians' willing to take such offenders into their homes and to reform them. Reports on the progress of these young people were required by the court through the police and records were kept. Hill wrote -

We take as much care as we can not to be imposed upon, either by too sanguine a hope of amendment, or from imperfect information as to the results actually obtained. At unexpected periods a confidential officer visits the guardian, makes inquiries, and registers the facts of which he is thus informed, in an account which has been regularly kept from the beginning. (9)

This system, which became known as 'magistrates' bail', received favourable comment. It is, for example, mentioned with approval in a book distributed by the Howard Association, an organization which campaigned for penal reform (10).

A little later Portsmouth magistrates introduced recognisances which merely required the malefactor to -

..... promise to come up for judgement if required. (11)

but with 'enquiry officers' appointed to supervise them and to report to the court on their behaviour. Offenders were recalled if they broke their word. These enquiry officers appear to have been the first

agents especially entrusted with implementation of court directions on the supervision of offenders.

From such informal arrangements it seems that courts sometimes felt a need for a disposal which, if they felt it unnecessary to resort to imprisonment, retained a measure of control over the offender.

Proto-Probation

The 1861 Criminal Law Consolidation Acts (which applied only in England and Wales) allowed summary courts to require personal recognisances with or without securities for good behaviour, alone or in addition to a fine or imprisonment, for any offence other than those punishable by death. Previously such provision had applied only to misdemeanours.

There was in Scotland, in Glasgow, provision under the Glasgow Police Act 1866 that -

..... the magistrate may adjourn the trial from time to time, either before or after proof is completed and either before or after conviction

and that -

..... in lieu of any punishment by imprisonment in respect of a police offence, which by the provisions of this Act is in the discretion of the Magistrate punishable either by imprisonment or by a penalty, or in lieu of any penalty, the Magistrate may ordain any offender to find caution for good behaviour, or to keep the peace for a period not exceeding twelve months under a penalty.

In 1879 The Summary Jurisdiction Act (which applied only to England and Wales) re-affirmed earlier legislation on the use of recognisances in cases of summary conviction after a plea of 'not guilty' and widened the provisions. For first offenders eligible for sentences up to two years Section 16 of the Act allowed that -

If upon the hearing of a charge for an offence punishable on summary conviction under this Act, or under any other Act, whether past or future, the Court of Summary Jurisdiction Think that although the charge was proved the offence was in the particular case so trifling that it is inexpedient to inflict any punishment other than a nominal punishment ...

- (a) the court, without proceeding to conviction may dismiss the information, and, if the Court think fit, may order the person charged to pay such damages, not exceeding 40/-, and such costs of the proceedings, or either or them as the Court think reasonable, or
- (b) the Court upon convicting the person charged may discharge him conditionally upon his giving security, with or without surities, to appear for sentence when called upon, and to be of good behaviour, and either without payment of damages and costs, or subject to the payment of such damages and costs, or either of them, as the Court thinks reasonable,

The Summary Jurisdiction (Scotland) Act 1881 made somewhat similar provision for Scotland. It gave power to mitigate penalties. Section 6 stated that -

In all proceedings under the Summary Jurisdiction Acts -

- (a) Where the punishment of imprisonment is imposed by Act of Parliament, the Court may, if it thinks the justice of the case demands it, substitute for imprisonment a fine not exceeding twenty-five pounds, or reduce the amount of imprisonment and not withstanding any enactment to the contrary, impose the the same without hard labour, and when the punishment of a penalty or fine is imposed it may reduce the amount of such fine, and when in the case of imprisonment or of a fine the respondent is required to come under his own obligation, or to find caution or security for keeping the peace and observing some other condition, or do any of such things, the Court may dispense with any such requirement or any part thereof.

Although these provisions were little used in Scotland those of the 1879 Act were used in certain areas in England. London magistrates in particular took advantage of them. Mr Curtis Bennet, Metropolitan Police Magistrate, in evidence to the Departmental Committee on the Probation of Offenders Act 1907, when asked -

You proceeded on the principle of the Probation Act (of 1887*) some years before the Act was passed?

replied -

* EEM's insertion

Yes, Section 16 of the Act of 1879 is practically similar to one of the sections of the Probation Act. I was appointed in January 1886, and by that time, and even before, I believe, the Act of 1879 had been passed, the Magistrates of London had been carrying out the principles of probation, and they continued it afterwards up to the time of my appointment, and from that time it has been carried out.

(12)

It was thus under the Acts of 1861 and 1879 that English magistrates were first persuaded to release offenders 'to the missionary' who paid or guaranteed fines and sureties. In time such payment was less frequently required when the offender agreed to 'missionary bail'.

These missionaries are usually considered the forerunners of the probation officers but unlike the Portsmouth 'enquiry officers' and today's probation officers, they were not the servants of the court but of the church and their aim was the religious reclamation or conversion of the offender; their legal supervisory function was a means to this end rather than an end in itself. While it is certainly true that missionaries were later employed as probation officers it may be that this was no more than an accident of history (which took advantage of the fact that the missionaries were already working in the courts) rather than a policy decision because there is, in addition to this religious precedent another possible, and more particularly judicial, antecedent.

In 1832 there was -

..... an Act for Abolishing the Punishment of Death in Certain Cases, and substituting a lesser Punishment in lieu Thereof.

This 'lesser punishment' was transportation; the second part of the 1832 Act allowed conditional freedom, referred to as a 'ticket of leave' after a certain proportion of the sentence had been served. This system was gradually formalised and by 1838 a Select Committee

of the House of Commons (13) noted that there were five stages of increasing liberty, a 'ticket of leave' being the penultimate. Later, because of the difficulty of finding colonies willing to take convicts and the poor provision of secure accommodation in Britain a similar system of conditional release from prison on licence was instituted at home. The Penal Servitude Act of 1853 was -

..... an Act to substitute in certain Cases other Punishment in lieu of Transportation.

Section 9 of that act allowed convicts to be released on licence -

It shall be lawful for Her Majesty by an Order in writing under the Hand and Seal of one of Her Majesty's Principal Secretaries of State to grant to any convict now under Sentence of Transportation, or to any punishment substituted for Transportation by this Act, a Licence to be at Large in the United Kingdom and the Channel Islands or in such part thereof respectively as in such Licence shall be expressed, during such portion of his or her term of Transportation and Imprisonment and upon such Conditions in all respects as to Her Majesty shall seem fit and it shall be lawful for Her Majesty to revoke or alter such Licence by a like Order at Her Majesty's pleasure.

These provisions continued with the Penal Servitude Acts of 1857 and 1864. It was the 1864 Act (which applied to Scotland, Ireland, England and Wales) which first set out Conditions of Licence -

- 1 The Holder shall preserve his Licence and produce it when called upon to do so by a Magistrate or Police Officer.
- 2 He shall abstain from any violation of the law.
- 3 He shall not habitually associate with notoriously bad Characters such as reputed Thieves and Prostitutes.
- 4 He shall not lead an idle or dissolute Life, without visible means of obtaining an Honest Livelihood.

Under this Act licence holders had to report once a month to the police, to notify the police of any change of address and to report to the police within three days of arriving in any new district. From these

conditions it can be seen that the licence system was an attempt to exercise control over the offender in the community.

Support for the thesis that these legal precedents were at least as influential in the formation of the idea of probation as were missionary succour and the contemporary American developments, usually quoted as the begettors of the system, is found in the debate of the House of Commons on the Probation of First Offenders Bill. This was sponsored by Howard Vincent (14) who said -

This Bill is not framed in any spirit of sentimental philanthropy towards those who are guilty of criminal offences

He pointed out that his Bill did not -

..... introduce any new feature into our criminal jurisprudence; it simply recognises and extends the practice sometimes resorted to of discharging first and youthful offenders in trivial cases without imprisonment.

He quoted from a report on the American system of Probation and noted that -

The conditions of probation in Massachusetts are analagous to those attaching to Police Supervision under the Prevention of Crime Acts, and neither there nor here do they press in any way harshly upon the persons subjected to them. (15)

Indeed, the Bill actually proposed that the magistrate -

..... instead of ordering him at once to any punishment, or ordering him to enter into recognisances to come up for judgement when called upon, direct that he shall be subjected to police supervision as provided by the Prevention of Crime Acts of 1871 and 1879, for any period not exceeding the longest term of imprisonment to which he might have been sentenced. (16)

From this, and from the debate, it is clear that probation was seen as a form of police supervision. Although the resulting 1887 Probation of First Offenders Act did not include a supervision requirement but merely allowed the offender to be released on recognisance with or without surety there remained echoes of the idea in Section 3 -

The Court, before directing the release of an offender under this Act, shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the county or place for which the Court acts, or in which the offender is likely to live during the period named for the observance of the conditions.

This attempt to ensure that conditions existed which would allow the offender to take advantage of his release no doubt encouraged magistrates to enlist the aid of the police court missionaries where these were willing to take responsibility for the offender; certainly the practice grew in London and certain other urban areas of binding over the offender for a stated period and of releasing him under the supervision of the missionary.

At an official level there was growing recognition of the futility, even harmfulness, of prison sentences. The Report of the Committee on Persistent Offenders (1895) (17) which dealt with Scotland, and the Report of the Departmental Committee on Prisons (18) which reported in the same year on the position in England, agreed that prison had no reformatory and little deterrent effect, and that the disruption and stigma which it entailed made subsequent rehabilitation difficult. That rehabilitation should be an aim, or even a concern, of sentencers and prison administrators was at this time a new idea not accepted by all.

The Howard Association was prominent amongst those advocating (as part of a comprehensive policy) introduction of the 'American system of probation' (19). Probation in America had begun informally in 1849 in Boston and had developed in a number of states into a statutory system of supervision with paid and trained workers acting for the courts (20). Support for the idea of a probation system grew in Britain. In response to pressure there was, in 1907, An Enquiry into the American

Experience (Memorandum on the Probation System as at the present time in force in the United States of America) (21). This report gave a factual account of the American practices and recommended the adoption of a similar system in Britain.

The probation system which developed was, as might be expected, an amalgam of the American and existing systems; the development was a response to an expressed need, and conscious search for, new disposals for offenders.

Probation

A landmark, and the basis of present legislation on probation, was the 1907 Probation of Offenders Act which applied to Scotland and to England and Wales. The Act officially introduced the term 'probation officer' and prescribed duties although officers were not necessarily officially employed or appointed. They could, however, be paid by the court. A probation officer or any person whom the court thought suitable could be named on an order as supervisor. In practice, in towns most supervisors were police court missionaries, agents of other philanthropic institutions or especially chosen police officers, while in rural districts the task usually fell to local clergy or school masters.

The new Act allowed a probation order to be made, if the offender consented (and this provision still stands), for any offence in which the judge was allowed to exercise discretion -

..... for which the penalty was not fixed by law ...

(in practice murder, treason and arson in HM dockyards) and directed the courts to consider a greater number of factors when deciding whether

or not an offender was suitable for probation. Section 1 of the Act required that the court considered -

..... the character, antecedents, age, health or mental condition of the offender, or the trivial nature of the offence, and extenuating circumstances.

Discretion was increased; if the court thought it -

..... inexpedient to fix any punishment or any other than a nominal punishment, or expedient to release the offender

it could choose from three disposals -

- (a) it could dismiss the case after the charge had been proved
- (b) it could release the offender on a recognisance without supervision (22)
- (c) it could release the offender on a recognisance with supervision

It is this last which has become known as probation.

In courts of summary jurisdiction the order was issued after the court had found the charge proved but before proceeding to record a conviction. In assize and quarter sessions courts the order was issued after a conviction was recorded. The recognisance required the offender to re-appear for judgement.

The 1907 Act was permissive, not mandatory: there was no necessity for courts to appoint probation officers nor was there any offence for which probation was the only disposal. Probation was no longer limited to first offenders. As with the licence system the court imposed conditions - the pro forma stipulated that the probationer must avoid undesirable associations and places, that he avoid alcohol if the offence had been of drunkenness or committed under the influence of alcohol, and that he lead an honest and industrious life. Echoes of the licence system conditions are obvious. The court also had power to impose

additional conditions as it saw fit. The probationer could be brought back before the court on the application of the probation officer without necessarily having committed a further offence; the conditions could then be varied or the recognisance discharged. There was no stipulated period of probation.

Probation officers were required to visit and to receive visits at intervals as they thought fit, to see that probationers observed the conditions laid down by the court and to report any breaches of these conditions to the court; the officer was also required to help the probationer find employment and to 'advise, assist and befriend' him. This phrase, which became the apothegm of the Service, still exerts a powerful influence although, as will be shown, interpretation of it has varied, as have opinions on the best methods of implementing it.

The Act allowed probation officers to be paid and laid down certain conditions of employment; appointments were renewed annually. In England probation officers were appointed by Probation Committees composed of magistrates and under the direction of the Petty Sessional Courts (except in London where appointments were made by the Home Secretary). Payment was from central government funds provided through the Petty Sessional Divisions by a fee or salary determined by the court.

In Scotland probation officers were appointed by Probation Committees composed of elected burgh or county magistrates and sheriffs for the area. They were paid by the town or county councils out of the general or police assessment funds. This meant that probation in Scotland had a closer association with the local authorities than in England and that the officers were more directly controlled by them.

In England the workings of the 1907 Act were monitored; the Report of the Departmental Committee on the Probation of Offenders Act (1907) (23)

was presented in 1910. The Committee endorsed the idea of a probation system which it felt was proving effective; only 5% of probationers were brought again before courts during the first year. The Committee had reservations, however, about the administration and efficiency of the service. It was emphasised that probation was neither a method of charitable relief nor of fine collection. The Committee recommended that Justices of the Peace be specifically responsible for overseeing the work of probation officers, that the Home Office assume central responsibility for probation and that an officer be appointed to liaise with the Home Office. The Committee also felt that officers should be paid a salary rather than a fee for each case and considered that a national association of probation officers should be created to foster interest, knowledge and efficiency.

The Committee noted that probation work was done by police officers in some places - while opposed to this practice it was felt that -

..... it should not be absolutely prohibited if it was always ensured that no officer did both police and probation work.

In time most of the Committee's recommendations were implemented; the scope of the provisions were extended and administrative changes made.

The 1914 Criminal Justice Administration Act (in general applying to England and Wales but with the probation sections (7-9) applying also to Scotland) -

..... an Act to diminish the number of cases committed to prison

gave the Secretary of State power to recognise and subsidise societies which had as their aim the care and control of youthful offenders (those under twenty-one years) and for officers appointed by these societies to act as probation officers.

In 1922 a Departmental Committee on the Training, Appointment and

Payment of Probation Officers (24) considered the practice of using missionaries as probation officers. This was accepted but it was recommended that the probation and temperance aspects of the work be separated. It was noted that an increasing number of courts were preferring to employ their own probation officers who did not owe allegiance to any other body. The Committee recommended also that membership of the established church no longer be a necessary qualification for appointment by the Church of England Temperance Society, the main source of probation officers, and that there be more direct Home Office influence and control, although it considered that actual appointments should continue to be made by local Probation Committees and probation officers' work overseen by certain designated magistrates. This suggestion, which was accepted, extended the role of the Probation Committees. The Departmental Committee also recommended that more officers be appointed; a quarter of all summary courts had not appointed probation officers.

Many of this Committee's recommendations were implemented in Part I of the 1925 Criminal Justice Act which made appointment of probation officers mandatory. Every Petty Sessional Division was designated a Probation Area and was required to have a Probation Committee of justices to supervise the work and pay salaries determined in conjunction with the local authority. The Act also dignified the system with an official name - The Probation Service. It was now, in England, a separate and autonomous body responsible to the Secretary of State. The Secretary of State was given power to fix the constitution, procedure, powers and duties of Probation Committees, to fix salaries and expenses, superannuation and gratuities (some officers were still employed on temporary, casual or case bases), to prescribe qualifications for officers and to confirm

appointments. Combined areas were allowed, and encouraged where there was insufficient work in any one division to justify employment of a full-time officer. Female officers had to be appointed to supervise women and children. Work in quarter sessions and assize courts was extended. Local authorities were enabled (but not required) to contribute to the maintenance of young offenders (aged sixteen to twenty-one years) in probation homes and hostels or other suitable places if there was a condition of residence. These further provisions were of course expensive but up to half of the cost of this increased service was met by the Treasury.

Under this Act too an appeal could be made to quarter sessions courts against a finding of guilt, the offender could be ordered to pay costs of the proceedings and the compensation which offenders could be required to pay by courts of summary jurisdiction was raised from £10 to £20. Courts were also given power to impose a fine of £10 for breach of probation 'without prejudice to the continuance in force of the Probation Order'.

Many of the administrative changes recommended by the 1922 Departmental Committee and permitted by the 1925 Act were incorporated in the 1926 Probation Rules. These are the first rules to state that it is a responsibility of the probation officer to compile social enquiry reports where there is a possibility of a probation order being made.

In 1929 a Departmental Committee on the Treatment of Young Offenders (25) reported that it felt that the fullest use should be made of probation but it cautioned against (the increasingly common) indiscriminate use of the residential condition. It pointed out that the essence of probation was that the offender remained in the community. It felt too that there should be a further increase in Home Office supervision of the Probation Service and that the training and qualifications of officers should be improved.

The corresponding Scottish Committee - to Enquire into the Treatment of Young Offenders - Protection and Training (26) - recommended also that there should be a statutory National Probation Service in Scotland. A Central Probation Council was set up to advise the Secretary of State for Scotland on probation matters but the existing system of policy administration and oversight by burgh magistrates and some sheriffs continued.

The Probation of Offenders (Scotland) Act 1931 was similar to the English Act of 1925 although in Scotland the appointment of probation officers was not mandatory; officers had to be appointed -

..... unless it can be shown to the satisfaction of the Secretary of State that no probation officer is necessary.

Twenty-two areas were granted exemption.

The Act set the minimum period of probation in Scotland at one year. It allowed grants towards the cost of maintaining probationers in hostels. These costs were recoverable through exchequer grants.

With this Act English and Scottish practices were brought more closely together as the English Probation Rules were adopted in Scotland. The Scottish probation officer, however, continued to be a local authority employee whereas his English colleague was employed by the Probation Committee of the Petty Sessional Division. Probation in Scotland was always more closely associated with the local authority.

In 1932 the Report of the Committee on Persistent Offenders, whose deliberations included Scotland, discussed the psychological damage and stigmatization occasioned by imprisonment and recommended greater use of probation. This Committee stated -

The Probation System is the latest and by no means the least valuable method of dealing with offenders of all ages. Properly applied the system cannot fail to be a potent influence in the prevention of crime. In suitable cases - and these may include cases where the offence is grave - the personal influence and supervision of a good probation officer may provide the most effective method of reclamation. (27)

The way was prepared for an increase in the scope of probation work and in the responsibilities of the officer.

Probation Plus

In 1938 a committee which had as its remit a review of the Probation Service reported. Its name - the Departmental Committee on the Social Services in Courts of Summary Jurisdiction (28) - reflected the widening view of the role of the Probation Service and the increasing demands being made upon it.

The Committee recommended greatly increased scope and responsibilities for the Service. It found that the spirit, and in some places the letter, of the 1925 legislation had not been carried out and that the organisation and provision of service was poor. There were far from sufficient officers, many of these were part-time, untrained, poorly educated, over-worked and under-paid. Much of the very long and detailed report is devoted to arrangements necessary for probation officers to do 'kindred social work', that is, matrimonial conciliation and other social work, but it also made recommendations on law, the practice of probation, the organisation of the service, the type of persons to be employed and the training these should receive. It said, for example, that no probation order should be made without a full previous enquiry by a probation officer. It saw probation as disciplinary and educative, as an increasingly functional and pragmatic pursuit with little or no religious purpose. It considered that

missionaries should no longer be appointed as probation officers but that there should be a wholly public service, staffed by properly qualified full-time officers. It recommended the appointment of principal probation officers (already permitted and in post in some areas - for example, in Glasgow since 1932) and thus advanced the foundations for a career structure and more controlled practice. It also suggested that there be a separate Probation Branch within the Home Office and a formal system of inspection.

A Bill (29) based on this report was presented to Parliament in 1938 but was dropped as preparations for war became pressing. Although there was no further legislation on probation until after the war some of the recommendations were put into effect in other legislation. For example, under the Summary Procedure (Domestic Proceedings) Act 1937 probation officers were authorised to undertake, and be paid for, matrimonial conciliation and associated work. Recommendations which did not require legislation were adopted. For example, the Home Office assumed full responsibility for the Service in January 1938, a Probation Branch was created in the Home Office and three inspectors were appointed. The Practice of employing missionaries was discontinued in 1941.

Further expansion of probation work was sanctioned in the Criminal Justice Act 1948 (parts of which also applied to Scotland although Scotland was more fully provided for in the corresponding Criminal Justice (Scotland) Act 1949). These Acts repealed the Acts of 1879, 1907, 1925 (Part I), 1926 and 1931.

This legislation further discouraged courts from sending offenders under twenty-one years to prison and forbade it in summary courts for those under seventeen years, in higher courts for those under fifteen years. Probation officers were required to be appointed to higher

courts, social background reports for the purpose of 'assisting the court in determining the most suitable method' of dealing with any person before it could be required in any case, not merely in those in which probation was likely to be considered.

An important addition to the power of the court was that medical treatment for up to one year 'to improve the probationer's mental condition' could be made a condition of the order if an experienced medical practitioner considered this advisable. Residence in an approved hostel could be ordered for the same period, with a six-monthly review. Until this Act such hostels had been provided by voluntary societies and places in them paid for by Probation Committees as need arose. This Act allowed the Probation Service funds for providing homes and hostels itself.

A new administrative framework was created, the conditions for probationers and the responsibilities of probation officers were restated. It was, for example, made clear that the responsibility for serving the probation order on the probationer lay with the officer. The probationer was given the right to apply to the court for amendment or discharge of the order and in England consent was required from all those over fourteen years. There were a number of minor, and in the main technical, differences between the English and Scottish legislation.

Not all offenders who would previously have been sent to prison had immediately to be dealt with by the Probation Service. Detention Centres were instituted for offenders aged fourteen to twenty-one years and Attendance Centres for those aged twelve to twenty-one years were introduced. In some areas the Probation Service co-operated with the police in running Attendance Centres.

The Criminal Justice Act of 1961 (which applied to England and Wales and only in part to Scotland) further restricted imprisonment of young offenders for short and intermediate periods but permitted the use of detention centres and other measures. The legislation on probation in this Act is again mainly technical - for example, the regulations on instituting proceedings to recall the offender before the court (breaching) were slightly altered.

The Criminal Justice (Scotland) Act 1963 made similar provision for Scotland. In addition, it introduced the English fine supervision system and made provision for the establishment of Young Offenders' Institutions, the first of which was opened in 1965. With this Act a probation order in Scotland, even in summary courts, entailed recording a conviction.

In 1961 the Report of the Interdepartmental Committee on the Business of the Criminal Courts (the Streatfeild Committee) (30) was presented. It dealt in the main with practical and administrative aspects of the Probation Service, recommended that social enquiry reports be provided to all courts for all offenders (except those charged with murder) under the age of thirty years, for all those previously convicted of an offence punishable with imprisonment and for all who had had previous probation contact. The Committee suggested that police information be made available to probation officers to help them in writing such reports to prevent duplication of the work of the police. It was also recommended that probation officers be responsible for arranging medical examinations of offenders where this was ordered by the court.

The Streatfeild Committee felt that in social enquiry reports probation officers should make recommendations to the courts on suitable forms of treatment and should not confine themselves to consideration of

probation alone. This can be seen as a sign of the probation officer's increasing status and of acceptance that he possessed relevant technical expertise.

In 1962 the Advisory Council on the Treatment of Offenders presented its report on Non-residential Treatment of Offenders under Twenty-one (31) which discussed alternative methods of dealing with the growing number of offenders under twenty-one years of age who were being sent to prison. This Committee made a number of recommendations almost all involving extension of the existing probation system.

There was further consideration of the work of the Probation Service when the Departmental Committee on the Probation Service (the Morison Report) (32) was presented. This made 157 recommendations, mostly on practical, administrative and financial matters. It also examined and restated the duties of the Service concluding that it should be primarily a social service to the courts and that the probation officer should be a social caseworker whose prime concern was the well-being of the individual. The Committee endorsed the view of the Streatfeild Committee that probation officers should write pretrial reports (where the accused did not object) and include in their reports prognoses of probation, but had reservations on officers' abilities to pronounce on the likely effects of other disposals.

The Committee noted that probation was less well developed in Scotland than in England. Some of the recommendations were specific to Scotland. For example, it was felt that Scottish probation officers should not be required to send copies of their reports to procurators fiscal nor to consult them before instituting breach proceedings. It also recommended that the close links between the Scottish Probation Committees and local authorities (probation committees continued to be

composed mainly of local authority councillors) should be loosened and that the composition of the committees should reflect a more equitable balance of local authority councillors and representatives of the courts.

The Criminal Justice Act 1967 (which applied mainly to England and Wales) allowed probation orders to be amended to conditional discharges. A fine of up to £20 could be imposed in cases of breach of order; in such cases the order could be continued. The Act allowed male probation officers to supervise women and children.

It was in the early 1960s also that the two governmental committees which were to have such far-reaching effects on the role and development of the social services generally were appointed.

In Scotland the Departmental Committee on Children and Young Persons, chaired by Lord Kilbrandon, reported in 1964; (33) its conclusions were modified in a white paper - Social Work and the Community - published in 1966 (34). In England The Committee on Local Authority and Allied Personal Social Services, chaired by Mr Frederic Seebohm, reported in 1968 (35).

These committees made wide-ranging recommendations on the whole field of social services. While it was felt that a generic approach was necessary the main difference, and one which is pertinent to the present study, was that in Social Work and the Community (for Scotland) it was recommended that probation be incorporated in generic social work departments while the Committee on Local Authority and Allied Personal Social Services (for England), although appearing to favour this, had not been asked to consider the role of the Probation Service, and left the matter rather more open. The fact that the English remit did not include examination of the role of the Probation Service and that the Scottish one did may be

a consequence of the closer ties and more direct financial control which the Scottish local authorities had of the Scottish Probation Service, which have already been alluded to, and which might also reflect the greater strength and independence of the larger English service.

Many of the ideas in Social Work and the Community were implemented in the Social Work (Scotland) Act 1968 which combined the welfare, mental health, child care and probation services into a single Social Work Department which was required to -

..... promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for the area.

The Act specifically referred to probation and ordered that the new departments 'provide advice, guidance and assistance' to those placed on probation. While statutory responsibilities remained -

Any function required by any enactment to be performed by a probation officer shall after the coming into operation of this Part of this Act be performed by an officer of the appropriate local authority

- the old Probation Rules ceased to apply under the Act of Adjournal (Probation Orders) 1969 (36) and it was open to these new Social Work Departments to develop probation work in any way they thought fit.

In England the Seebohm recommendations were in part put into effect with the Local Authorities Social Service Act 1970 which, while amalgamating many of the social services in unitary Social Services Departments, left probation an autonomous sector responsible in part to local government, in part to central government and in part to the courts.

These are the administrative frameworks which exist today.

The Criminal Justice Act 1972 laid new responsibilities on the Probation Service for other work with offenders and also made technical amendments to probation legislation. For example, the probationer could

be required to undergo medical treatment for the whole of the period of the order and not for the first twelve months only. It also provided that central government bear responsibility for 80%, increased from 50%, of the cost of the Probation Service.

In 1972 the Butterworth Committee examined pay and conditions at a time of low morale in both the Probation Service and the Social Services Departments. In its Report - Report of the Butterworth Inquiry into the Work and Pay of Probation Officers and Social Workers (37) - it stated that it saw social workers and probation officers doing the same job, utilizing the same skills and needing the same basic training.

The Powers of the Criminal Courts Act 1973 is for the most part applicable only to England and Wales. The Act has a large section on probation but again it deals mostly with technical and administrative matters. It makes clear, for example, that attendance at a Day Training Centre can be a condition of a probation order but that this condition cannot be imposed along with one for mental treatment.

The Criminal Procedure (Scotland) Act 1975, the Scottish counterpart of the above act, similarly clarified a number of technical matters.

The foregoing summarises the main reports and the legislation dealing with probation work, but the probation officer was required, in addition, to undertake an increasing amount of other work.

Summary of present Responsibilities - Probation Service

The duties of probation officers and the responsibilities of the Probation and After-Care Service today include -

Probation supervision, including casework, groupwork, work with families

Intermediate treatment - dealing with offenders and potential offenders in the community

Throughcare - visiting those in custody and working with them and their families before, while and after the offender is incarcerated

After-care supervision - statutory and voluntary

Parole supervision

Making enquiries and writing reports for local review committees and for the Parole Board

Detention Centre licence supervision

Borstal licence supervision

Suspended sentence supervision

Fines supervision

Mental Health Act 1959 Section 66 cases and supervision

Divorce Court welfare enquiries, wardship, guardian ad litem duties

Matrimonial conciliation

Matrimonial supervision (Magistrates Courts and Divorce Courts)

Supervision of children under Children and Young Persons Acts (for the most part being phased out) and under Matrimonial Supervision Orders,

Divorce Court Supervision Orders

Social Enquiries in criminal and civil cases

Means enquiries

Visiting, interviewing, making reports on offenders on leave from institutions

Organising and supervising Community Service Orders

Organising prisoners wives' groups etc

Supervising/running Day Training Centres

Running/supervising/making selection for bail hostels, centres

Running/supervising probation hostels

Assisting those referred under Street Offences Act 1959

Escort duties

Giving advice to callers

Training and supervising students and ancillary workers

Attending courts

Record keeping, accounting for money disbursed, compiling statistics

Helping with research and special projects

Corresponding and co-operating with Prison and Borstal governors and welfare officers

Summary of present Responsibilities - Social Work Departments

Since 1968 all social work in Scotland has been the responsibility of Social Work Departments. Included in the Scottish Social Work Departments' many responsibilities is the bulk of the work detailed above. There are small, and apart from matrimonial conciliation work from the courts, insignificant exceptions based on legal differences.

Prognosis

Yount Adult Offenders, the Report of the Advisory Council on the Penal System (England), chaired by Younger, and presented in 1974 (38) made suggestions for dealing with offenders. It saw a further extended role for the probation officer in providing supervision and control of the offender in the community. The Council recommended a 'custody and control order' to be made for a fixed continuous period as the only custodial order available to courts for those aged seventeen to twenty-one years of age (apart from those convicted of murder), this providing for a period in custody followed by a period of compulsory supervision in the community, the point of transfer from custody to supervision to be decided by the Secretary of State on the advice of a 'licence advisory committee' - envisaged as similar to the Parole Board.

The Council also suggested a non-custodial 'supervision and control order', not requiring the consent of the offender, administered by the Probation and After-Care Service and 'markedly stricter' than a probation order. This order for 'supervision and control', it was

suggested, should include powers allowing probation officers, upon application to a magistrate, to have offenders returned to custody for up to seventy-two hours if a breach of the order had been committed, or if the probation officer believed that the offender intended a breach, or the commission of another offence.

The Council recommended unification of the Borstal and detention services, the new system also entailing a mandatory licence period during which the offender would be supervised by the Probation and After-Care Service.

These proposals have not yet been implemented, at least in part because of opposition to them from probation officers (39). On 1st February 1977 Mr Merlyn Rees told the House of Commons that -

..... the supervision and control order for offenders aged seventeen to twenty-one years, as recommended by the Advisory Council on the Penal System for Young Adult Offenders would require substantial resources to make it a reality.

Mr Rees said that the Council's call for Borstal, detention and prison sentences to be replaced with a single sentence of custody and control was 'a direction of future policy' but that he saw no prospect of early changes in the law to bring this about (40).

Such proposals, and their acceptance as government policy, clearly illustrate the changing perception of the probation officer, of his skills and status, and of his greatly increased responsibilities and power. The probation officer, who began as a missionary exhorting individuals to temperance, and whose very creation was considered undesirable by a member of the House of Commons on the grounds that it was -

..... an extremely dangerous principle to leave it to a lot of amateurs to say what persons who have been convicted shall be allowed quietly to merge into the honest peaceful population and be heard of no more. (41)

has gradually come to be viewed as an expert competent to exercise jurisdiction over offenders in a way that has never before been contemplated in British society.

Bibliography and Notes

- 1 For more detailed information on administrative arrangements and internal organisation see Probation Rules and Home Office and Scottish Office circulars.
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- 3 See, for example -
T Smout A History of Scotland London Penguin 1970
- 4 E Innes (ed) The Acts of Parliament of Scotland MDCCCXLIV (in 1659) 1844 p 234

For further examples see also -

Sir James Dalrymple, Lord Stair The Institutions of the Law of Scotland 1681

Sir Thomas Murray of Glendoick (ed) Acts of Parliament from 1424 Edinburgh 1681

- 5 See, for example -
C Rogers Social Life in Scotland (ed Patterson) Edinburgh 1884
- 6 It should be noted that the terms 'binding over', 'bail', 'caution', 'pledge', 'sureties', 'securities', 'recognisance' and 'bond' have had different meanings at different times in both countries, all being a contract between the individual and the court, but sometimes calling merely for a promise, at others requiring that money be exacted from the offender, or his guarantor, if the promise were broken. At other times a sum of money had to be deposited and was forfeit if the promise was not kept. Sometimes the offender was required to reappear before the court after a specified period and sometimes not. Such differences persist. In England today 'bail', meaning freedom while awaiting trial, requires only a guarantee by the accused or a guarantor or both, that a sum of money predetermined by the court, will be paid if the promise to reappear for trial is not kept, whereas in Scotland the money must be deposited before the accused is set free. There has recently been instituted in Scotland a 'penalty' which functions as does the English bail system. Similarly in Scotland today a 'caution' (pronounced K-shun) is a sum of money deposited with a court as a surety for good behaviour over a specified period, required after conviction for an offence, whereas

in England a 'caution' is a warning delivered by the police in lieu of prosecution where the offender agrees to this and where there is a case good enough to warrant a court appearance. This English 'caution' is, in Scotland, a 'police warning'. Further, the Scottish 'caution' is in England referred to as a 'recognisance'.

- 7 Matthew Davenport Hill Suggestions for the Repression of Crime 1857 (also quoted in The Report of the Departmental Committee on the Treatment of Young Offenders 1929 ubi supra)

- 8 In 1840 an Act for the Care and Education of Infants who were Committed for Felony gave the High Court of Chancery power to assign guardianship of offenders under twenty-one years of age to any person willing to assume this responsibility. Hill does not seem to mention this Act but he must have been aware of it. The passing of such an Act suggests that formal oversight of offenders in the community was recognised as desirable. Further, the Warwickshire system might have been considered to have received sanction in the 1854 Youthful Offenders Act which also provided for a system of voluntary guardianship.

- 9 Matthew Davenport Hill Suggestions for the Repression of Crime ubi supra

- 10 Defects in the Criminal Administration and Penal Legislation of Great Britain and Ireland with Remedial Suggestions Published by The Howard Association for distribution to the International Prison Congress in London 1872 No author is given but it is probably by William Tallock, secretary of the Howard Association and a prolific writer on penal reform. London F B Kitto

- 11 Edward Cox The Principles of Punishment as Applied in the Administration of the Criminal Law by Judges and Magistrates London 1877

See also -
E P Hughes The Probation System of America The Howard Association 1903

Cox, Recorder of Portsmouth, is usually credited as being the originator of this scheme.

- 12 Departmental Committee on the Probation of Offenders Act 1907 Minutes of Evidence Question 1 Cd 5002 1909 HMSO

- 13 Select Committee of the House of Commons Prisoners in Australia (Chairman - Molesworth) 1838

- 14 Howard Vincent (later Sir) supervised the system under which released prisoners reported to the police while he was Director of Criminal Investigations at Scotland Yard. He later became MP for Sheffield. He visited Boston to see the workings of the probation system in America and was an advocate of the introduction of a similar system in Britain.

- 15 Debate in the House of Commons on The Probation of First Offenders Bill Hansard 5th May 1886 Cols 331-5
- 16 Bills presented to the House of Commons May 1886
- 17 Report of the Committee on Persistent Offenders (Scotland) (Chairman - Sir Charles Cameron) C 7753 1895
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- See also -
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- 19 Juvenile Offenders and the Massachusetts Plan of their Conditional Liberation, and on Boarding Out The Howard Association London 1881 Reprinted on the instructions of the Secretary of State for the Home Department as a Parliamentary Report in 1882
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- 29 Criminal Justice Bill 1938

- 30 Report of the Interdepartmental Committee on the Business of the Criminal Courts (Chairman - Streatfeild) Cmnd 1289 1961
- 31 Report of the Advisory Council on the Treatment of Offenders - Non-residential Treatment of Offenders under Twenty-one (Chairman - Hon Mr Justice Barry QC) 1962
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- 35 Report of the Departmental Committee on Local Authority and Allied Personal Social Services (Chairman - Frederic Seebohm) Cmnd 3703 1968
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- 38 Report of the Advisory Council on the Penal System - Young Adult Offenders (Chairman - Younger) 1974
- 39 See, for example -
PROBE, magazine of NAPO members' Action Group May 1974
- 40 Reported in The Guardian 2nd February 1977 London
- 41 Radcliffe Cooke, MP Hansard 5th May 1887 Vol 317 Series 3 Col 1088

Is this a holy thing to see,
In a rich and fruitful land,
Babes reduced to misery,
Fed with cold and usurous hand?

Is that trembling cry a song?
Can it be a song of joy?
And so many children poor?
Is it a land of poverty?

Pity would be no more,
If we did not make somebody Poor,
And Mercy no more could be,
If all were as happy as we.

William Blake

Part I

Chapter 2

IDEOLOGICAL GESTATION

In charting the development of any social movement it is important to consider the underlying assumptions and values. These shape a movement's aims and the methods which will be used to achieve them. In attempting to isolate the values which underlie and determine the purpose of probation today it will be helpful to consider the initial intent. To do this it is necessary to look at the social and moral climate in Britain at the time the prototype emerged. It will then be possible to trace the development of the present services from their separate beginnings in Scotland and England through a unification of the ethos of probation to eventual identification with the social work profession.

The Early Environment

In the mid-nineteenth century laws were harsh. For example, in 1837 Matilda Seymour, aged ten, was transported for seven years for stealing a shawl and a petticoat, and in 1843 William Ashmole, aged fourteen, suffered the same penalty for theft of a book (1). Charles Dickens was amongst those who drew attention to such practices. Oliver Twist (1837) and David Copperfield (1848-50) illustrate the severity of

the law and its injurious effects particularly upon the young. These are, in fact, only the better known of an avalanche of novels (others sometimes referred to as 'Newgate novels') about crime and criminals. Such works, while often sentimentalising and romanticising the problems, did increase public awareness, and there developed an interest in and concern with the problems of offending. There was public disquiet over the numbers, particularly of children and minor offenders, being sent to prison and transported.

There were also factual reports the most famous of which are, perhaps, Henry Mayhew's London Labour and the London Poor (1861-62) and William Booth's In Darkest England and the Way Out in which, as late as 1890, he commented -

I sorrowfully admit that it would be Utopian in our present social arrangements to dream of attaining for every honest Englishman a good standard of all the necessities of life. (2)

He noted that one-tenth of the population of 31 million were paupers, homeless, starving or very poor, and calculated that there was a destitute 'army' of nearly 4 million.

Newspapers too publicised the problems. A journalist described the position in 1850 -

Of late years public attention has been drawn to this solid mass of misery, of low vice, of filth, fever and crime. Respectability has become alarmed for its own safety. Unwelcome truths have been brought from these law regions of vice and disease, to the comfortable homes and costly palaces of luxury. By means of such agents as fever and cholera, the mass of putrefying humanity has asserted its intimate connexion with all other sorts of humanity breathing the self-same air, and the misery has got to be looked at without eye-glasses. When the truth was felt that white kid and Russian sables were no protection against the contagion of misery-made diseases, then philanthropy began to flourish in high places. (3)

Improving legislation was enacted in many fields (4). Probation

legislation was only another small measure dropped into a cascade of measures similar in conception and intent. There was an increase too in voluntary attempts to improve social conditions. Charitable societies which aimed to help the poor multiplied. Between 1880 and 1900 the numbers of these increased from 9,154 to 22,607, not including those in existence before 1837 or those which merely collected money (5).

This upsurge in humanitarian law reform and charitable endeavour need not necessarily be interpreted as altruism although there is no doubt that many charity workers were entirely sincere in their efforts to improve conditions but can also be seen as attempts on the part of the establishment to preserve power and privilege by deflecting the growing demands of the working classes for a greater voice in government in order to improve their position - demands which forced the Repeal of the Corn Laws (1846) (6) and the passing of the 1832 (7) and 1867 (8) Reform Acts. Bagehot, writing in 1865, warned -

It must be remembered that a political combination of the lower classes, as such and for their own objects, is an evil of the first magnitude; that a permanent combination of them would make them (now that so many of them have the suffrage) supreme in the country; and that their supremacy, in the state they now are, means the supremacy of ignorance over knowledge. So long as they are not taught to act together, there is a chance of this being averted. (9)

Bagehots views were typical of his class and time: a modern historian, writing of the nineteenth century saw it rather differently -

From the (eighteen*) thirties onwards middle class people were continually digging channels by which working-class demands could be drained away from the foundations of property. (10)

* EEM's insertion

Charity was one of the weapons used to attack the problems which might have led to further demands or even action. Although this charity was intended to improve material conditions it also reinforced the 'norms' of the existing social system and enforced conformity, but to suppose that because the society of the day would have described itself as Christian and because the middle-classes generally subscribed to the entrepreneurial tenets of the Protestant Ethic they held homogeneous views on the proper methods of combatting poverty and crime is to over-simplify the position. There were a number of distinct schools of thought.

There was the traditional concept of charity as indiscriminate alms-giving benefitting the donor and recipient alike - the rich giving to those of the poor they encountered, and the status of both, and the giving of charity, being part of the divinely ordained order. This view is nicely typified by Edmund Gibson, Bishop of Lincoln -

Whatever is led out in Charity, God Accounts an offering and a loan to Himself, and accordingly he engaged to repay it and that this payment is chiefly in the next world is the plain language of Holy Scripture. (11)

Inherent in statements of this kind is a belief in the necessity of preserving the status quo. In order that the wealthy may store up riches in heaven poverty must persist. There can be no attempts to improve the social system nor to enable the poor to change their condition. Indeed, a few years later the good Bishop found it necessary to sound a warning against providing anything more than alms -

Great care must be taken that their (the poor's*) minds be not tinctured with any new or singular Notions, either in religion or government, which would only divert their Minds from the substantial Duties and Offices of Religion, and make them proud, busy and Contentious. It is proper that they be taught not to speak Evil of Dignitaries, but to Reverence Authority, and to pay all Duty, Honour and Obedience to the powers that are. (12)

* EEM's insertion

Charity was thus allied with social control, if not repression.

A little later a judgemental attitude developed. The numbers of poor grew and as charity became more organised and institutionalised self-appointed collectors and apportioners of largess felt it their duty to subscribers to use donations in the best possible way -

And yet, how manifold the evils which accrue from charity, unless its administration be governed by sound judgement and reserve which wears the appearance of grudging parsimony. (13)

To this end most charitable societies considered it important that help was given only to 'deserving cases' - those whose calamities could be interpreted as Acts of God, not due in any way to the individual's misdeeds - that is, to his failure to conform to and succeed in society. These were contrasted with the 'undeserving' - whose misfortunes were seen as having been self-inflicted, caused, perhaps, by 'defective moral will', that is, by an inability or unwillingness to conform to the rules of society and to succeed in the materialistic terms of the Protestant Ethic. The 'deserving' were proper objects of charity; help for the 'undeserving', on the other hand, was unjustified and a dangerous, if not foolhardy, enterprise in that it would encourage laziness, undermine 'moral fibre' and the will to work - in short, reward nonconformity. Such people had to be encouraged to mend their ways by rigorous application of Poor Law sanctions and by withholding aid until 'improvement' took place. 'Improvement', as judged by the standards of the charity practitioners, could only be acceptance of the middle-class concept of a social hierarchy with each allotted a 'proper station', the system suitably succouring middle-class life styles, values and ideology. Such views were in accord with the Protestant Ethic which held each responsible for his actions and able to choose from all possible courses. Those who 'chose' poverty, alcoholism or crime were automatically 'undeserving'

and pressures were necessarily applied.

That poverty and crime were seen as much the same thing can be inferred from the phrasings of the day - 'poverty and crime', 'the roughs and criminal classes', 'the perishing and dangerous classes', 'pauperism and crime', 'criminals and destitutes', 'dependent, defective and delinquent classes'. Indeed, a paper presented to the Charity Organisation Society suggested that poverty is a crime -

Is it ever realised that there is constantly a large and floating population of vagrants and loafers who frequent the cities and towns and create a housing problem; who go to lodge with the lowest class of occupier, and beg and steal when they can? If this class were hustled along, and compelled to retire to the Poorhouse, failing which, to the Prison, it would be vastly better and cheaper than allowing them to be outside. (14)

Such conjunction of ideas exposed the poor, along with the defective and the offender, to social denigration and other sanctions. It was but a short step from thinking of a man as poor to thinking of him as criminal, and treating him as the cause of his own, and society's, problems.

From around the 1860s, however, new ideas gained ground, disseminated by the educated, professional (upper) middle classes. There were attempts to discover and remove the causes of poverty rather than to ameliorate its effects. Some of these found expression in a new enterprise, The Charity Organisation Society, an organisation which was to be influential and which still exists (15).

Although the Charity Organisation Society subscribed to the consensus which divided the poor into 'deserving' and 'undeserving' (and it was distinguishing these into a number of categories that they called 'casework') their explicit aims differed from those of conventional

charities in that they sought underlying causes of poverty and crime, emphasising optimum use of resources and social education rather than material help. It could be argued, however, that they were constrained in their attempts to achieve their objectives: they were adamant that they did not wish to improve the conditions of the poor at the expense of the established social order. Helen Bosanquet, an indefatigable COS leader, was anxious to set the public mind at rest on this point. She believed that careful study and experience of problems at first hand would dispel any ideas of the desirability for radical social change -

I have seen a strong affection for Socialism die quietly out before experience of good casework on a background of economic history. (16)

As the century progressed there appeared yet another group interested in charitable works, a group who brought another approach - not the disinterested self-seeking almsgiving of aristocracy, or the very rich, not the judgemental charity of the self-appointed guardians of the middle-class ethos, nor yet the impersonal 'scientific' approach of the Charity Organisation Society. This group was itself an example of the efficacy of self-help, and hard work, and of the opportunities afforded by the Protestant Ethic. They belonged to the emerging lower middle-class - the artisans, the small businessmen and shopkeepers, the petite bourgeoisie, who in aspiring to the life styles of the middle-classes adopted their values, including their concern for the poor. Many of these embraced a low church evangelical Christianity and it was through this that they offered charity to their less fortunate brethren - they offered salvation, moral rectitude, help, friendship, advice, - and limited material assistance. They tackled the problems of poverty manifest in everyday life at a personal level rather than at a societal or sociological level. They did not seek underlying causes but dealt

with the symptoms. Seeing alcohol as the great popularizer of the road to poverty and perdition (the same place?) rather than as the anodyne of those condemned to travel it, they instituted temperance societies devoted to persuading all, but particularly the poor, to renounce 'the demon drink' and to sign pledges of abstinence. The Church of England Temperance Society was one of many such bodies. Among other work their representatives attended police courts seeking those in need of salvation and they were among the first to offer their services to the courts to assist drunkards released on recognisances - put on 'probation' - to refrain from further infractions of the law.

The idea of a proving period was acceptable to those holding a wide variety of views on the correct methods of dealing with offenders. It was not based on any particular principle but could be incorporated into almost any ideology and moulded to any method. Traditionalists did not oppose it because it was not a completely new idea but a development of an existing legal convention. The judgemental could view it as a lesser form of punishment, or a conditional withholding of punishment, the almsgiver as an expression of charity, the scientific inquirer into poverty as a way of separating the deserving from the undeserving, the policeman and the administrator as a means of social control, the stable citizen as a way of inducing proper conduct, and the reformer as a method of treatment. Indeed, probation answered needs recognised by all. Convictions were increasing - probation offered an acceptable alternative to the purely punitive system which was proving difficult to administer and of limited effectiveness as a deterrent. The establishment felt their social system threatened - probation accepted the importance of the rule of law and took steps to ensure that the law was kept. It was practical -

laws which once infringed exacted penalties which made rehabilitation impossible were seen as over-rigorous and counter-productive. It was humanitarian - the harshness of contemporary penal policies was being recognised. It was expedient - prisons and reformatories were full; the colonies were refusing to take any more convicts. It was inexpensive - the workers were, for the most part, unpaid or paid by voluntary societies. This happy blend of principle and pragmatism, so typical of the age, commended it.

The Beginnings of Probation Work in England

It was then in such conditions that in 1876 the Church of England Temperance Society (founded in 1873 and descended from the Church of England Total Abstinence Society which was founded in 1862) had its attention drawn, by Frederick Rainer, a working printer, to the apparent difficulties of alcoholics in re-establishing themselves after conviction and punishment. The Church of England Temperance Society knew the gravity of the problem; their missionaries were already working informally in the Courts. George Nelson, a retired guardsman, was appointed as Police Court Missionary, to attend at Bow Street and similar courts -

..... for the purpose of dealing with individual drunks
with a view to their restoration and reclamation. (17)

So great was the burden that a second missionary was shortly appointed and the duties extended to include the care of those convicted of other minor offences. Later female missionaries were appointed (the first in Liverpool in 1877) primarily to deal with women and children. The Society also ran a Prison Gate Mission which provided food for discharged prisoners and attempted rudimentary aftercare by putting discharged prisoners in touch with their local clergy. From this the

probation system grew, initially fostered by magistrates who released a few offenders informally on 'missionary bail'.

This embryo service differed in three important respects from conventional charity, from judgemental distribution and from the 'scientific' work to which the Charity Organisation Society aspired. Some of these differences were forced upon it by lack of resources but were converted into assets which gave probation its distinguishing features and upon which it built.

The Church of England Temperance Society was an evangelical Christian movement believing in personal salvation and therefore emphasising the importance of each individual as one for whom Christ died. This is the first distinguishing feature of the new system. It differentiated the Church of England Temperance Society from conventional charities which viewed the poor as unfortunate objects, or vehicles through which the almsgiver might achieve grace, and from the Charity Organisation Society which was more concerned with poverty as a social phenomenon. The early Church of England Temperance Society missionaries offered not alms to the unknown, not relief according to deserts, nor academic theories, but friendship and help at a personal level.

The second distinguishing feature of the Church of England Temperance Society was its concentration upon those whom other charities rejected as 'undeserving', an emphasis stemming from their belief that all were undeserving of salvation which could not be merited but was God's gift to all. It was this belief which allowed it to develop into a comprehensive service for offenders.

Thirdly, the Church of England Temperance Society was a low church movement, attracting working and lower middle-class support. It did

not have adherents with the large financial resources of some conventional charities, nor with the high educational attainments which the Charity Organisation Society sought in its practitioners. The social class of the helped and the helpers was, as can perhaps be inferred from the social class of the man who inspired the movement - a printer - and of its first worker - an ex-soldier - rather closer than was usual in such ventures and it may be that these missionaries were better able to understand the problems and difficulties of offenders and were more acceptable to them. Certainly they must have had sufficient understanding of the life-style to make it unlikely that they would adopt the approach advised in one Charity Organisation Society handbook where it was suggested that the worker would be helping a poverty-stricken mother-of-twelve on a wet washday by telling her a bright amusing fishing story reported by the worker's father or brother!

This is not to say that the Church of England Temperance Society workers consciously rejected the prevailing social system or class divisions but rather that they were on an interface of one such division and conscious of the realities of existence on both sides of the line.

The Police Court Mission, as this branch of the Church of England Temperance Society became known, laboured virtually alone in the field until 1907 when the Act of that year formalized the position and functions of probation officers and made it possible for officers to be appointed, and paid, by the state (although not yet controlled by it). The Church of England Temperance Society offered the services of its missionaries as probation officers and these formed the backbone of the new system. Other denominations were later allowed to provide workers. All of these were paid through, and controlled by, the religious or



philanthropic organisations which selected them. This gave the workers a certain autonomy within the legal system but it also meant that their acceptability depended upon their compliance with the wishes of the judiciary and their adherence to its mores.

Because the Church of England Temperance Society was a missionary society there was implicit in its probation work an over-riding aim to effect religious conversions; its members' evangelical beliefs led them to the view that this could be achieved by means of exhortation, advice and practical help. In addition to this religious intent the worker, as police court representative, was expected to inculcate the values and standards of society. As these were firmly founded upon Christian ideology, and the Protestant Ethic, this could then be done without incongruity but there are always tensions between opposing views within society and these the service had to accommodate. Although probation began as a manifestation of concern and expressed the beliefs of one group, in order to survive it had to balance the competing and conflicting views of all sections of society. The effects, on the practice of probation, of the mainstream of social thought which while moving away from simple retribution was still compatible with the retention of sanctions as a means of enforcing conformity will be discussed later. Although probation practitioners had to come to terms with society's demands they, with other penal reformers, also influenced society and were pioneers of a new perspective on offending. This movement occurred, albeit slowly, and certainly not exclusively, within the probation system and the progenitors of probation were among those who first adopted the idea that punishment was not the only, nor the best, way of reducing offending. These people, by putting their ideals into

practice, made a distinctive contribution to changes in attitudes in dealing with offenders and it is in part through their efforts that the methods and techniques which were later selected to deal with offenders were developed. It was no sudden insight but rather a gradual accretion of knowledge, guided by humanitarian ideals, and tested in the light of experience, which first distinguished probation.

Probation aided the transition from one value system to another, from the traditional or classical model of the Protestant Ethic, which saw crime as a considered and intentional rejection of or attack on the mores and structure of society, which had to be punished as of right and in order to protect the values of society, towards a more positivist/scientific/rational model which located the causes of offending in society rather than in the individual and which sought to reduce crime by removing these, firstly concentrating on the personal and later dealing with the environmental aspects of the problems.

The Beginnings of Probation Work in Scotland

The foregoing discussion applies to England, and probably most accurately only to London and the larger cities. Beginnings in Scotland were later, and rather different.

In the large Scottish cities there was a tradition of missionary work with offenders, similar to the English model, and indeed this seems to have begun earlier than in England. In A Short History of the Glasgow City Mission for One Hundred Years, written in 1926, it is recorded -

In the third year (1828*) of the Mission's history, work at the Police Courts became an important part of the Mission's enterprise. Some of the agents, in addition to their ordinary district work, began to visit the prisoners in the Police Office of their district. (18)

* EEM's insertion

It seems, however, that such missionaries did not perform the dual functions of mission work and supervision for the courts which developed in England; there is little mention of supervision for some seventy years, no record of any more formal or officially recognised work having been found for the interim period. During this time the churches concentrated upon alleviating basic poverty, famine and disease amongst the urban population, vast numbers of whom barely subsisted, being almost without food, frequently wrapped only in rags and sheltering in hovels. The churches also attempted to bring about improvements in the fields of public health and health education. Although the Glasgow City Mission, and some other organisations, were visiting police cells and prisons it would seem that there was no group in Scotland doing work comparable in scale or in kind to that of the Church of England Temperance Society. This view is supported by a letter, written in 1905, by Sheriff Scott-Moncrieff of Lanark to the Town Clerk of Glasgow with which he enclosed an account of the work of the London City Mission, and said -

It seems to me that if we had such a mission in Glasgow it would go a long way to solve the problem of how to control and reform the unfortunates who appear at your bars. (19)

The first references to supervision of offenders are found at the turn of the century when conditions in Britain as a whole, and in Scotland particularly, were very bad. There was much unemployment. A man appearing at Kilmarnock Police Court in November 1904, for example, told the magistrate that he had broken a window in order to go to prison because he preferred that to starvation (20). The authorities were providing relief work, although on 1st December of the same year the death of William Keonally, aged forty-five years, was reported -

while working on Corporation relief work! (21) There were proposals for a national food service for children (22).

Scotland then, as now, had a disproportionately high prison population. In 1903 59,962 people were committed to prison, 1 in 75 of the population, compared with 223,911, or 1 in 145 of the population in England and Wales. In 1904 only 1,735 probation orders were made, out of a total of 164,168 disposals, 161,000 of these at police or sheriff courts (and therefore for comparatively minor offences). This is only 1.06% of the total. (23)

The numbers receiving relief declined from 106,850 in January to 105,394 in September 1904. A graph illustrating this drop correlated with increased numbers received into prison over the same period was included, without comment, by the Prison Commissioners in their Report for 1904 (24) perhaps implying that social conditions were related to the numbers in prison. Bailie Ferguson told a meeting of the Royal Philosophical Society of Glasgow -

..... higher civilisation made us perceive how little criminals are to blame for the conditions under which they live. (25)

It was against this background that probation with supervision appeared. The first system of supervision organised on lines similar to the English seems to have been in Dundee. The Chief Constable of that city, in a letter to the Corporation of the City of Glasgow, dated 25th July 1905, wrote -

In both the Police and Sheriff Criminal Courts here the probation system has been in successful operation for a number of years. (*) A very large proportion of the cases dealt with in Dundee, where there is no age limit

* About six or seven years - EEM

in regard to persons dealt with, have proved eminently satisfactory although the parties on probation have been under the cognisance of a philanthropic agent as well as an inspector or sergeant of police. This latter combination has wrought well and costs nothing. It will be observed that in our cases the probation is always made to a definite date, when a written report is made to the Magistrates both by the philanthropic agent and by the officer of police. (26)

This letter was in response to enquiries made by the Corporation as a result of a motion put by Bailie John Bruce Murray that -

..... it be remitted to a special committee consisting of six senior magistrates and six police judges of the city, to enquire into the Probation Laws for the Reform of Criminal Offenders, first applied in the State of Massachusetts and subsequently adopted in the states of New Jersey, New York, Pennsylvania, Maryland, Ohio, Indiana, Illinois, Minnesota, Michigan, Wisconsin, and Kansas, and report on whether it is desirable to give the system of official probation guardianship a trial in this city, and if so, to what extent this could be done under existing laws. (27)

That these proposals were seen as something different from the then-existing arrangements under the 1887 Act is illustrated, for example, by an article in The Glasgow Herald which, in commenting on the motion, damned it with faint praise, being confident that -

..... public common sense will be a means of saving us from the extreme view that the criminal is not wholly responsible for his crime

and pointing out that -

..... the punishment of the criminal is the first necessity (and) fear that this new idea may allow the criminal to get off

although -

..... the purpose - the reformation of the criminal - is entirely laudable, but the adoption of machinery to that end which would cause a profound modification of our judicial system requires a good deal of thinking out. (28)

Thus where in England probation was seen as an extension of an existing

system it was viewed in Scotland as a radical innovation.

The views of the principal religious and philanthropic societies of Glasgow were invited and all endorsed the proposed probation scheme. Although there was debate on the wisdom of making it a police function there is no record which suggests that it was ever contemplated that any society should provide the service although some organisations offered to do so.

The idea of a probation system was adopted. The Chief Constable, who was made responsible for its operation, seconded six police officers and delineated their duties. These were -

- a Daily attendance at the several Police Courts of the City for the purpose of receiving the instructions of the presiding Magistrates on such cases as they may deem suitable for placing on probation.
- b Making enquiries as to the circumstances of offenders and their offence, and for the guidance of the Court.
- c The observation and supervision of the probationer in the method the Magistrate may suggest during the period fixed by the Magistrate for continuation, or caution, or otherwise.
- d Making reports to the Magistrate. (29)

The duties were secular; there were no religious overtones. It is clear that the impetus behind the implementation of a probation system in Glasgow was pragmatic and although humanitarian was less influenced than in England by religious considerations or intent. It was seen more as a means of supervision and discipline than as a personal service through which the offender was offered advice, help or friendship. The workers were from the beginning officers of the court charged with specific duties rather than religiously oriented individuals with freedom to help in their own ways and to pursue their own ends. They were employed to carry out the instructions of the magistrates.

The Scottish systems (other cities soon began similar schemes, Edinburgh in the same year as Glasgow) incidentally developed along organisational paths similar to the English but because the work was simply execution of an ordinance rather than an expression of deeply held beliefs it did not have the distinguishing features which led to the expansion and independence of the English system.

Formalization of the probation system in 1907 did not alter the arrangements in Scotland. A special committee set up to review probation in Glasgow where the system was most developed thought it satisfactory if lacking in enthusiasm and discretion. This Committee noted that Glasgow was using police as probation officers contrary to the spirit of the legislation, but did not feel that a change was necessary. (30)

To Trought, who compiled a review of Probation in Europe in 1927 the Scottish Association of Probation Officers explained -

Probation officers in Scotland are nearly all part-time employees except in the City of Glasgow where there are full-time officers but with police rank. The reason for this is that they may be eligible for superannuation etc. They do not do police work. In Edinburgh probation officers are paid so much per case and report to a Committee every three months as to the conduct of their charges. In Dundee probation officers are paid an annual honorarium. In Aberdeen the police sister, paid from the police vote, is in charge of the cases. (31)

The 1931 Act, which caused a separate Probation Service to be set up in Scotland, confirmed probation officers as local government employees and specifically made provision for superannuation. It prohibited the appointment as a probation officer any person who was or had been a member of a police force.

In Glasgow, however, five former police officers were appointed as

probation officers. In fact the advertisement for probation officers seemed to specifically invite applications from these former police officers by exempting them from the age limitation. That no record has been found of any objections to or questionings of this may reflect the strength of the inclination towards a supervisory and disciplinary probation system. (32)

Towards a Unified View of Probation in Scotland and England

From the Probation of Offenders (Scotland) Act 1931 which brought Scotland into line with England and the application of the English Probation Rules in Scotland there began to develop an identity distinct from that of the police and more like that of its southern counterpart. Communication between the Scottish and English services increased; in 1933 the Scottish Association of Probation Officers amalgamated with the English. These changes, and developments in other fields, encouraged a more professional approach. From this time there are increasingly records of references to help and advice being sought from doctors, psychiatrists and psychologists and of contacts being developed with voluntary organisations. However, probation in Scotland did not receive as much interest and attention as it did in England nor did the Scottish worker develop the scope of work or breadth of view of his English colleague. The initial lag in development persisted. In 1938 when the 'treatment ethos' (later discussed in detail) was spreading in England and probation officers were establishing themselves in matrimonial conciliation work and in child care a Scottish Home Department circular encouraging greater use of probation said that it should be granted -

..... on the understanding that the probationer will make a serious effort at self-discipline under the sympathetic control of the probation officer. (33)

As late as 1961 representatives of the Scottish Probation Service took a narrow view telling the Morison Committee that they did not feel that matrimonial and kindred social work should be done by probation officers. The Morison Committee observed that -

..... the use made of the probation service is not the same in Scotland as in England and Wales. In Scotland there has, in general, been a narrower conception of the functions of the Service. It was, for example, suggested to us by Scottish witnesses, but by none from England and Wales, that probation officers should be solely concerned with work arising from the criminal courts. We also found that probation itself was less used in Scotland than elsewhere in Great Britain. These differences, which we discuss in ensuing chapters, rest upon differences in traditions and public opinion, and in the sentencing practices of the courts, and we do not believe that they can be removed by simple administrative and legislative acts. (34)

Nevertheless there was expansion within the Scottish service.

Social Work in Scotland in 1969, the first annual report on the whole field of social work in Scotland, noted of the Probation Service that -

There was, however, very considerable expansion in the Service, and the number of whole-time officers increased from 170 in 1960 to 336 in 1968. (In 1962, for example, areas north of Aberdeen had no whole-time probation officers). The number of people on probation increased from 4,783 to 5,480 and the number of reports to the courts from 14,822 to 30,388. A proportion of the increase, but by no means all, can be attributed to the additional functions given to the Probation Service during this period, namely after-care, fines supervision and parole duties. (35)

In the following chapters it is intended to deal with the Scottish and English Probation Services together but the differences must be borne in mind. Although identification as workers and unity of intent increased over time it is safe to say that the Scottish workers were slow to accept new ideas and implement new practices. Scotland adopted these, sometimes belatedly, rather than initiated them.

Towards a Unified View of Probation and Social Work

There was long debate on whether probation and social work were one and the same thing or whether probation was such a specialised branch of social work that it was sui generis - a thing in itself. In the beginning probation and social work had a common base, both being religiously motivated expressions of charity but their paths, although parallel, were initially distinct.

Timms (36) suggested that because the early workers thought of themselves as missionaries they rejected identification with social workers who did not necessarily share their religious commitment. This is supported by the fact that as late as 1913 many probation officers refused to join the newly-formed National Association of Probation Officers because they saw it as self-seeking and feared that it heralded a secularisation of the work (37). Until the 1907 Probation of Offenders Act the work could be only a vocation; it was either voluntary and unpaid or performed as part of missionary service and although the Act provided for the payment of officers and laid the foundations for the development of professionalism it did not in itself institute a professional service. That developed slowly.

The 1922 Departmental Committee on the Training, Appointment and Payment of Probation Officers was the last to identify probation with missionary work and by the 1930s probation officers often referred to themselves as social workers although neither group yet saw themselves as professionals in their own right but as auxiliaries to other professionals, be this the judiciary, the legal or the medical professions. By 1935 the first Probation Handbook considered that probation officers

were social workers. The full title of the book is A Handbook for Probation and Social Work of the Courts and in it is noted -

The importance of the probation officer as an official of the court who is also a social worker (38)

Similarly, the 1936 Departmental Committee on the Social Services in Courts of Summary Jurisdiction, in its Preface, stated that -

The need for a trained social worker in Summary Courts is being more and more recognised, and, as in other spheres of social service, there has been a tendency in recent years for the voluntary assistant to develop into the indispensable court official.

In one of the early probation textbooks - Probation and Re-education - Elizabeth Glover uses 'probation officer' and 'social worker' synonymously. In the second official probation Handbook, published in 1958, it is stated that -

..... the probation officer is a social worker by tradition, by occupation and by training. (39)

In 1962 the Departmental Committee on the Probation Service (the Morison Committee) defined the probation officer as 'the social worker of the courts'.

In spite of these pronouncements until the mid-1960s the Probation Journal and other similar magazines contained articles and correspondence debating whether probation officers were indeed social workers and whether either, or both, were members of a profession. That the matter was not quite settled, even in 1970, is suggested by the fact that when the British Association of Social Workers was formed by amalgamating the then-existing medical social work, psychiatric social work, child care, mental welfare, moral welfare and family casework professional associations the National Association of Probation Officers declined to join.

An important factor in the unification of social work and probation work was that for both the emerging social sciences provided germane

information from which developed similar syntheses of scientific findings, humanitarian values and technical skills. From increasing awareness that the social sciences provided useful and important information developed yet another unifying feature - a demand for more and better education and training.

As early as 1908 (40) the Howard Association pointed out the need for more and better training of probation workers and by 1915 there was in England increasing unrest amongst both field workers and reformers over the lack of training of officers.

The desirability of training was only slowly accepted. The 1922 Committee stressed the need for it and deprecated the employment of -

..... attendance officers, police officers, collecting officers, rescue workers, officers of the National Society for the Prevention of Cruelty to Children, Poor Law and other local officers, keepers of places of detention and a number of persons engaged in various occupations which are but remotely connected with probation work.

(41)

However, this Committee had doubts about the standard of education which could be expected of workers in a field of such lowly status -

Some witnesses, however, considered that many probation officers are not sufficiently equipped in training and experience, and that their outlook is narrow particularly because they belong to Societies which require their officers to be total abstainers or to subscribe to the tenets of a particular religious communion. Some of these witnesses urged the need for higher educational attainments and more specialised training, such as would be afforded by a course in social science at a University. It must be remembered, however, that men and women who go to the Universities usually do so to fit themselves for a professional career, and it is doubtful whether a probation service organised on the lines considered desirable would provide opportunities or prospects which would attract candidates of university training. We agree, however, that so long as regard is paid to essential qualities of character and personality, there is much need in the probation service for men and women of the higher qualifications referred to, who may be willing to devote themselves to the work either permanently or for some years.

(42)

The Church of England Temperance Society initiated a training scheme in September 1926 for probation officers already in service with the Police Court Mission. This four year course of evening lectures leading to a diploma in Economics and Social Science from the University of London was intended to improve educational qualifications. The course covered 'social economics, social and economic history, problems of indigence, problems of crime, and practical work'. (43)

Timms, (44) recorded that some social workers taking the London School of Economics' Mental Health Course (instituted in 1929) and primarily intended to train psychiatric social workers, went into the probation service but it would seem that these were a minority. The probation service concentrated for many years on 'direct entry' recruitment - a system whereby candidates were chosen for their personal suitability and acceptability. Their training was an internal responsibility and was primarily based upon personal contact with more experienced officers - the 'sitting next to Maisie' method. There was little formal teaching nor academic content. Many officers were completely untrained.

The necessity for training was perhaps highlighted by developments in and dissemination of psychoanalytic theory. Other professional social workers were studying these ideas which were becoming generally known (or perhaps mis-known) to the public. A lead may have come from the psychiatric social workers who had more rigorous training in these techniques and in interpretation of human development and behaviour according to such theories. From this the psychiatric social workers attained a status which was envied, claimed Timms (45), by those in all other branches of social work. Certainly the 1935 Handbook suggested,

by acknowledging the help which probation officers received from child guidance clinic workers, that probation officers consulted these more highly trained colleagues whose background was usually in psychiatric social work. It may well be that professional admiration of and striving to be on a par with this more prestigious branch of social work stimulated a desire for more knowledge and training.

It was around this time the foundations of academic and professional training for probation workers were laid. The Home Office began an experimental scheme in 1930 (with seven students) to -

..... not only give practical training in actual Court work but also to provide facilities for further education of those candidates of suitable personality whose advantages in that respect have been limited. (46)

In spite of these efforts, however, the 1936 Committee noted that most probation officers had no training and suggested that a general social work training would be suitable because -

Most of the work of the probation officer is similar to other kinds of social work and for this reason he ought to be well grounded in the principles and methods of modern social work, for which ordinarily a diploma at a school of social science is the best preparation. (47)

To such a training the Committee suggested should be added a short specialised course in the work of the probation officer.

The 1938 pamphlet The Probation Service; its Objectives and Organisation (48) urged training at a higher level and noted that 'a few' officers were being supported on two year university social science courses. The corresponding Scottish publication (49) said that the training of Scottish probation officers was receiving consideration.

It was not until after the war that the Probation Department undertook responsibility for the training of probation officers. Rainer House, the probation service training centre, opened in 1946. In that year too

there was a small intake of university trained workers. It is not recorded whether these had a degree and professional training or merely a social science diploma. That claims to university training must be viewed with care and not interpreted in present day terms is illustrated by a similar, Scottish, claim made in the same year. Closer investigation revealed that the 'university training' which merited the social science diploma was a six week course organised by the extra-mural department of Glasgow University! It was in 1954 that the first generic social work course organised on present-day lines - the 'Carnegie course' - began at the London School of Economics. (50)

Again, development in Scotland was separate and different. From 1935 Glasgow Probation Department had its own in-service training scheme but it was not until 1950 that the Secretary of State for Scotland made provision for a three week residential training course for Scottish probation officers. This was, for the most part, conducted by experts invited from England. (51)

The Probation (Scotland) Rules 1951 emphasised the need for training in practical skills and theoretical understanding of problems. A Scottish Probation Training Committee was set up in 1955 and from that time probation training was overseen by university-based social work teachers many of whom had been associated with the pioneering courses at the London School of Economics. Probation standards improved and there was harmonisation of probation and social work training. The ideas of, among others, Eileen Younghusband of the London School of Economics, who in reports in 1947 (52) and 1951 (53) highlighted the dangers of 'specialised training in water-tight compartments' were put into practice.

In 1962 a Council for Training in Social Work (54) was set up to organize courses, examinations, further training and research. The

trend towards amalgamation of probation and social work training continued and in 1971 all social work education in Great Britain, including that for probation work, became the responsibility of the Central Council for Education and Training in Social Work - a statutory, independent, central training council. Butterworth's comment, in 1972, summed up the position -

These changes (in the organisation of the social services*) have been accompanied by a growing emphasis on common professional skills and the replacement of specialised by 'generic' courses so that those entering different branches of social work, including probation, will attend the same courses and receive largely the same training. (55)

Because cross-fertilisation existed from the beginning and because the same sources were used it is impossible to maintain a division between probation and social work literature. They are inextricably meshed. The few textbooks written specifically for probation workers (56) draw heavily upon other more general social work writers for ethical principles, methodology and techniques. They are distinctive only in the additional attention they give to probation work, legislation, rules and court procedures. They are in addition some English textbooks which deal entirely with legal aspects of the work. These are intended not only for probation officers but for all who work in the courts and administer the law. There were no comparable textbooks for Scottish workers until very recently.

Summary

In this chapter it has been shown that there were in the mid-nineteenth century a number of attitudes towards poverty and crime which were often associated. There were a variety of approaches to dealing with these problems. In England lower-middle class evangelists espoused

* EEM's insertion

the cause of the drunken offender and attempted to help him in his plight. From this beginning work generalised to other offenders and this group undertook work which formed the basis of the probation system. In Scotland the probation officer was from the beginning a local authority official intent on supervision on behalf of the courts. The Scottish system did not expand as rapidly nor did it extend its boundaries as far as did the English. It was a bureaucratic creation which lacked the fervour and commitment of the missionary service.

From the 1930s, however, Scottish probation officers slowly relinquished their perception of probation work as simply supervisory and disciplinary and moved towards identification with the professional ideals of their English colleagues. Social and legislative developments brought the systems closer together and probation work was increasingly influenced by the advances in social work: education and training, based on the same theoretical developments, followed similar paths. By 1971 all three aspects, English probation, Scottish probation and social work, were based upon the same general principles, training was generic and there was unrestricted job mobility between the spheres within the United Kingdom.

Note

In the following sections the development of probation work will, for the sake of simplicity, be treated as though it were unitary but it must be borne in mind that in thus treating the movements so broadly many differences in development and structure are disguised. In tracing the development of aims, attitudes and objectives quotations from books especially intended for probation workers are preferred; where other, more general, works are cited they are those which are, or were, popular and are, or were, widely used in the training of probation workers.

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Les choses ne changent guère. Seules les idées qu'on s'en fait
peuvent changer beaucoup. C'est sur ces idées-la qu'il faut savoir
agir.

Gustave le Bon

Part I

Chapter 3

IDEOLOGICAL DEVELOPMENT

Ideological development in probation can be divided into three phases, the third phase continuing into the present. These might be called the classical, the determinist and the phenomenological phases. A number of writers have noted this tripartite development upon which there appears to be consensus although it is expressed in different terms. Mathieson, for instance, a practising probation officer and commentator on probation work, wrote -

So there are nowadays at least three factions at work in the Service; the traditional punitively motivated, the psychoanalytic/treatment and the sociological/political schools of thought. Far from seeing themselves as servants of the court, many younger probation officers see themselves as allies of their clients in the face of a hostile court and an oppressive society. (1)

Mathieson suggested that the dominant ideas of each stage still attract adherents and that these are at least in part antagonistic. This too is generally agreed.

Robertson, discussing penal policy in general, saw the same development in more sociological terms. He described the first phase as the 'authoritarian' (Protestant Ethic) value system, which he designated 'the thesis'. As a reaction, he suggested, developed the 'permissive' (treatment, therapeutic) approach - 'the antithesis' - and later emerged from the conflict an 'experimental' approach - 'the synthesis' in which

the opposing theses will, perhaps, achieve a balance. (2)

Other writers have charted the development of methods and techniques but these have seldom been related to ideological developments. Methods, although they must be broadly acceptable to society, are merely a means to an end. They do not define either the value or the objective. They should be judged by their effectiveness in producing results and should be abandoned if others prove more efficacious. Further, most methods and techniques can be used for many ends. Methods are not, therefore, an integral part but only incidental mediators between the value systems which define the objectives and the attainment of the objectives themselves. For this reason, although certain methods and techniques are traditionally or ideologically associated with certain values and objectives these will be mentioned here only in passing. Attention will be directed towards defining objectives and seeking to match each with its, often unstated, underlying value. Both values and objectives developed and changed over the years and it is this development in the field of probation which is now charted. Because the aims or objectives changed over time, and because a number of aims can be pursued simultaneously these are, in the following chapters, referred to as EMPHASES.

The First Phase

The early days of probation, from its inception when it was basically a religious and charitable movement until, say, the 1930s when as a complement to its added statutory functions it sought technical expertise and a theoretical base, can be considered as the first phase. During this period the controlling aspects of the work predominated, expressed as religious, moral and social concern, coupled with and pursued through relief work - the giving of practical help. There were three important EMPHASES during this period.

Moral Improvement

The importance of religion has declined but its influence has not disappeared. It is unlikely that overt intent upon conversion to religious belief is now the primary purpose of many workers so this is not considered as a separate EMPHASIS but is included under MORAL IMPROVEMENT. Because of the importance of religion in the genesis of probation, its early predominance and slow decline, it is necessary to consider in some depth the early religious motivation.

As has been shown the early impetus was, in England, almost entirely religious but even in its later statutory form the system attracted religiously motivated workers. (3) When in 1913 some probation officers attempted to form a professional organisation on the lines suggested by the 1909 Departmental Committee on the Probation of Offenders Act 1907 many opposed them -

..... since it seemed to them self-seeking, and in any case connected with the secular state. They saw it as one more example of the decline in influence of the Church. (4)

The proposed society was also viewed as a rival to the Church of England Temperance Society itself but this in terms of status and power rather than ideology; the Service as a whole continued to see itself as an arm of God. Sydney Edridge, secretary of the eventually-formed National Association of Probation Officers, concluded the 1918 report -

Courage, and the reward which awaits on faithful, strenuous endeavour in the Master's Service will be yours. (5)

The Departmental Committee on the Training, Appointment and Payment of Probation Officers (1922) too saw probation and evangelism as much the same and desired that there should be close connections between probation and missionary work -

..... local authorities should not discriminate too narrowly between probation work and missionary work

and -

Probation officers should be employed only on this work and similar missionary duties.

This Committee rejected suggestions that there should be a separate and independent Probation Service because -

A keen missionary spirit, based on religious convictions, is essential.

but the Committee suggested a less narrow and rigid approach in that it recommended that employment as probation officers should no longer be restricted to practising communicants of the Church of England and that other denominations should be allowed to participate. This Committee did not see probation officers as social workers although it felt that co-operation with them was necessary.

The first official National Association of Probation Officers' Handbook, published in 1935, said -

Yet it is not in dispute that the foundation of successful probation work must be the religious spirit in the best sense

although it did go on to warn against forcing religion on probationers because -

..... this can only result in producing hypocrisy or arousing antagonism.

These quotations suggest a waning of overt religious intent. This continued. In 1938 the Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction recommended that the Service no longer employ missionaries.

There was discussion on the part religion should play in probation work. Coddington, a prolific writer on criminological matters, deplored the decline. He was, he said in 1948 -

..... a little perturbed by the increasing secularization of probation training and work. In the old days the missionary, untrained except in the knowledge of his Bible, and his belief in the Deity, did persuade offenders to pray to their God for help. Nowadays, in accordance with the spirit of the time, this is often not possible, and I fancy, is seldom attempted. (6)

As the findings of social sciences influenced practice many attempted to combine new ideas on methods and techniques with old values. Elizabeth Glover, in 1949, said -

Good probation demands that its officers should be trained in psychology, that is to say in an understanding of the way the mind works, and that they should be persons of truly Christian magnanimity and discernment

A loving spirit of good will is not enough, neither is the enquiring impersonal approach of the scientist. It is a combination of these two which is needed for probation to reach its highest efficacy. It is the merit of the probation system that it is consonant at once with modern psychiatric science and with Christian faith and teaching.

For all these reasons probation officers who hope to help probationers to find God should go humbly and gently, only venturing on a direct approach by invitation, whether this be given by word or implication. (7)

Such views were not of course confined to probation workers but permeated all social work. Dame Eileen Younghusband, in 1952, suggested that social work should be based upon religious principles synthesised with scientific ideas. Describing the ideal of social work help she said -

This is the essential spirit of Christianity and of democracy as well as science. Social work at its best embodies that spirit. (8)

It is not surprising, therefore, that one of the first textbooks on social work to become popular in Britain, introduced by Younghusband as -

..... one of the standard works on the subject ... (9)

was written by a Jesuit priest and is a compound of psychoanalytic theory and Christian ethics.

As late as 1964 evangelical endeavour was mentioned in an official publication as an aim but the writer seemed conscious that not all concurred -

Amongst those who come to the probation officer are many who feel that religion has no relevance to the problems of their everyday life. To kindle or re-awaken the grace of God is the most difficult task that can come the way of the probation officer; if he can do this he may have helped beyond measure, but it is not always possible and many officers would consider it outside their province. (10)

Although in the early days the paramount emphasis was religious this had to be tempered to take cognisance of other demands of society. The probation officer's purpose quickly became that of inculcating certain attitudes and values. The 1907 Act, for example, made this clear. The probation system was introduced that the offender -

..... may be brought under the direct personal influence of a man or woman chosen for excellence of character and for strength of personal influence.

Sixty-five years after the 1907 Act the Butterworth Inquiry into the Work and Pay of Probation Officers and Social Workers came to much the same conclusion -

The probation officers were seen as requiring rather more human relations skills because they were expected to advise the court on appropriate treatment and to induce clients to modify attitudes and behaviour. They are expected to maintain supportive relationships at the same time as inducing in selected cases a change of attitudes and expectations that may help to prevent further offences.

A recent government report reiterates this view. It says that the Probation and After-Care Service is -

..... firmly committed to the 'ideal' that the prime object of sentencing must be to reform the offender, somehow to make him morally better, so that he will no longer have any desire to act in an anti-social way. (11)

EMPHASES of this type which concentrate upon inculcating certain beliefs or in producing socially defined desirable attitudes and behaviour are taken together with those which interpret the beliefs and attitudes to be communicated as specifically Christian. These EMPHASES have been called MORAL IMPROVEMENT.

Deterrence

The influence of religion was discussed first because probation emerged under its aegis but as has been pointed out the aims probation workers pursued had to be compatible also with other main strands of social thinking. Particularly important was the traditional punitive and retributive ethos which is also derived from Christian principles. Indeed, it was this version of the creed which dominated in Scotland where it combined with pragmatism to produce a more powerful impetus than mere humanitarianism. In both countries, however, it would have been agreed that the criminal law had as its intention the protection of the individual and of society by social control, and the reduction or elimination of disapproved behaviour. The time-honoured method of achieving this was punishment.

There are two main strands to the argument that penal policies should be based upon a philosophy of retribution - the moral and the utilitarian. Morally, punishment can be seen as an end in itself, a just and necessary penalty exacted by society for injuries suffered, and in the view of some, for the breaking of 'absolute'. 'natural' or 'divine' law. In this view punishment is a necessary penance which allows the malefactor to 'begin again' having paid for the offence. The more utilitarian view of punishment considers it a general and individual deterrent, deterring the offender, and others of like mind, from further contravention of the law.

Evangelical Christianity accepted both these views. It retained the strongly paternalistic attitude of the Roman Catholic church and extended the duty of conversion of unbelievers and chastisement of backsliders to the laity. Strict (public) morality was enforced by the use of formal and informal sanctions.

The idea of the law taking a constructive attitude towards the prevention of crime by attempting to reform offenders and that punishment was not necessarily the best method of doing this spread slowly and in the face of opposition. A former Governor of Stafford Prison, for example, told the International Penitentiary Congress of 1872 -

..... prisons are not reformatories, but should be a terror to criminals. (12)

But the punitive view softened and the idea of rehabilitation grew. The Gladstone Committee on prisons pronounced, in 1895 -

Prison should have as its primary and concurrent objectives, deterrence and reformation. (13)

The early probation system did not entail repudiation of the idea of punishment: it was a means of giving the offender 'a second chance' to prove himself - locus penitentiae. The definition of probation put forward by the Committee on the Probation of Offenders Act 1907 made clear that there was no negation of punishment - merely a conditional deferment -

..... the Act keeps suspended over the offender the penalties of the law, to be inflicted or withdrawn according as his conduct during the specified period is bad or good.

The 1935 Handbook echoed this view -

The various sanctions which can ultimately be used to enforce the Probation Order and the Probation Officer must not hesitate to invoke them in case of need. But it must be remembered that high authority has laid down that the law is for the punishment of evil doers

Amongst probation workers the idea of punishment was retained. Elizabeth Glover described in her book Probation and Re-Education a phase early in the century when probation officers saw punishment as one of their functions and deliberately created difficult situations and devised methods of humiliating probationers.

Even at the height of the psychoanalytic era some saw punishment as necessary. Hunt, (18) for example, saw probation as inescapably identified with punishment as well as with reform and reclamation. He considered punishment an expression of concern for the offender which drew on feelings in the primary family and in the social situation. In the later period, however, there was for the most part greater emphasis on probation as an alternative to punishment. The 1964 edition of the Handbook said -

..... if he chooses to reject this form of treatment at the outset he may be subject to punishment as an alternative. (14)

Other, more sophisticated, proponents of the philosophy of retribution suggest that the offender has 'a right to punishment', arguing that it is an infringement of human rights to subject an offender to 'treatment' against his will. Such a view was propounded by Professor Sandford Fox of the Boston College Law School. Similarly Harris, a noted American contributor to social work thought, saw compulsory treatment in place of punishment as a refusal to accept the offender as a complete person -

The primary reason for preferring a system of punishment as against a system of therapy might (be*) expressed in terms of one system treating one as a person and the other not. In invoking the right to be punished, we may justify our claims by reference to a more fundamental right, the right to be treated as a person When we look upon a person as less than a person, or not a person, we consider a person as incapable of rational choice

* EEM's insertion

It is one thing to inflict a penalty for what a person did, quite another to do so for what he or she is. In the first instance, we say that there is a finite price to be paid. In the second we say that he or she is a deficient person and must become a better one before being accepted by us. (15)

Probation workers have not necessarily rejected the idea of punishment but they seldom administer it directly although in some cases they cause it to be administered. In this sense there is an element of punishment in their work.

Although probation was instituted as an alternative to imprisonment with its stigmatizing, and other, ill-effects, it has acquired a certain stigma of its own. As a legal sanction following a finding of guilt it may have a deterrent effect, or the contact with the probation officer may in itself be a deterrent.

Because punishment and deterrence have been associated traditionally and because it was not expected that many workers would today consider that punishment is an end in itself in probation, probation as a punishment, a sanction, a warning or as a threat to deter offenders from further wrongdoing are combined. EMPHASES of this kind are gathered under the heading DETERRENT.

Social Control

The early probation officer was expected at best to convert the probationer in the hope that this would cause him to accept a certain code of behaviour or, at least, to persuade him to conform to society's rules and so appear to accept them. The degrees of control changed over time one shading into the other and co-existing with other emphases.

In the first period the worker, as an agent of God, was primarily concerned with the offender's soul; in the second period (from 1887)

as an agent of Church, court and society he had to persuade the offender to adopt, and act according to, 'morally correct' beliefs, and in the third period (from 1907) as a formal agent of court and state he not only had to persuade the offender to conform to the rules of society but if these were not obeyed act as an agent of retribution in that he was required to invoke sanctions. He moved from being a representative of the informal control system to being a representative of the formal system, or as Lemert (16) would put it, from being part of a passive control system to being an active agent of social control. This movement was noted by contemporary writers - and not all approved. Booth, founder of the Salvation Army, is reported to have -

..... specially deplored the charity work of the missionaries - their exploitation of weakness to gain their ends.

The 1935 Handbook is explicit that the probation officer is intended to enforce social control -

The importance of the probation officer as an official of the court who is also a social worker dealing directly with the vital problem of turning asocial and anti-social persons into good citizens of the state can hardly be over-rated.

The role is accepted also in the Handbook of 1964 although the language is a little attenuated -

The probation officer respects society's intention that the probationer shall not offend again.

Nor is this intention confined to probation work. Timms, a social work writer, sees social control inherent in the role of all social workers -

It is frequently stated today that this is not the social problem of any one group of agencies (eg the probation service); it is rather a 'generic' problem, common to the practice of social casework in any agency.

And later -

Is casework not undertaken to change rather than to accept at least certain kinds of behaviour? (17)

Parsloe, an eminent writer on probation work, saw the officer as an agent of state control wielding sanctions to enforce conformity -

The amount of authority varies greatly and affects a greater or lesser part of client's lives. It is here that probation officers have more authority than some other social agencies, for if the conditions of a probation order, or a man's licence, are not kept the probation officer has the duty to institute court proceedings or to report to the prison authorities the person subject to After-Care.

Indeed, Parsloe saw coercion as particularly important and went as far as to say -

..... there is no doubt that authority holds a central position in the court and probation service, and is the reason for their existence. (18)

Similarly, the members of the Butterworth Inquiry, in 1972 -

The probation officer is an officer of the court and personally accountable to it.

and -

..... the client is almost always in conflict with society, and the probation officer, in addition to establishing a relationship with him aimed at influencing attitude and behaviour, must represent to him the authority of the court and endeavour to persuade him to accept it.

Attempts to control and/or induce certain behaviours with or without changes in beliefs or attitudes, are subsumed under the heading SOCIAL CONTROL.

Practical Help

PRACTICAL HELP is an EMPHASIS which chronologically belongs in the first phase of development of probation but is important in all phases and can complement any other EMPHASIS. It was one of the first tools of the early missionaries when it was both a means to an end and an end in

itself.

For long the most important practical aid was felt to be work-finding. The importance of 'work' has been accepted and the emphasis placed upon it justified by workers in each phase of probation's development. The missionaries tried to find or provide work for their charges because they believed both in the virtue of work and that to be self-supporting gave self-respect and allowed a man to leave behind the crutches of crime and alcoholism. In 1880 The Church of England Temperance Society opened a Labour Yard for probationers. The work was usually firewood chopping.

By means of this labour test the Society soon found out those willing to work from the professional beggar.

In 1907 the Probation of Offenders Act included work-finding as a duty of the worker -

..... to advise, assist and befriend the person under supervision and when necessary to endeavour to find the offender suitable employment.

So important was work considered that as a result of the Report of the Committee on the Employment of London Probationers in 1924 (19) close co-operation was established between the London Juvenile Court Officers and the Juvenile Employment Exchanges and representatives of the Probation Service sat on the Juvenile Employment Advisory Committees. The Committee also recommended the establishment of a Central Office for work-finding, and/or that additional officers be employed to do this work. At about the same time the London Police Court Mission formed an Employment Department. (20) A Memorandum issued by the Home Office said -

It is a matter of great importance that in endeavouring to find work for boys probation officers should seek work of a skilled kind to which they can be apprenticed, and so avoid, as far as possible, casual employment which would lead to little or nothing in after life.

(21)

Similarly, the 1935 Handbook, in a chapter headed Probation and Work-finding, stated -

This is a subject of such great importance that no apology is needed for dealing with it in a brief chapter to itself. Judges, magistrates and justices all realise that it is so often the crux of the whole matter, and that no rehabilitation of a delinquent at the expiry of his sentence is very likely unless the first steps of finding him or her employment can be successfully accomplished.

The more recent Handbook (1964) no longer considered work of paramount importance but noted -

Regular and satisfying work can be an important factor in the rehabilitation of an offender, and efforts devoted to saving a young person from drifting from job to job are well worth while. With adults satisfactory work is equally vital, and often harder to get.

With the creation and improvement of employment agencies probation workers are today less involved in work-finding but still, upon occasion, offer assistance in this direction. The Inner London Probation and After-Care Service, for example, recently instituted an experimental scheme - Bulldog Manpower Services - pioneering sheltered work schemes for former young prisoners and probationers. It is reported -

Bulldog experienced success in finding contracts, recruiting employees, establishing realistic and supportive working conditions and gaining acceptance from both the Probation Service and employees themselves.

(22)

In the United States too work-finding is again seen as an important function of the probation officer. The Probation Division and Bureau of Prisons recently signed an inter-agency agreement that -

The Federal Probation System shall assume administrative and operational responsibility for developing employment resources and making job referrals for persons paroled or mandatorily released from Federal Institutions.

(23)

Other kinds of practical help too have been offered by probation

workers. Accommodation is always difficult to find and presents particular difficulties for offenders. Probation officers have helped. In 1896 The Church of England Temperance Society opened the Camberwell Boys Home for destitute boys who had been before the courts. This institution was also used to house boys on remand to save them from imprisonment. From 1901 The Church of England Temperance Society operated homes for boys on probation and used these to train boys for work.

Over the years individual officers too have compiled lists of sympathetic landladies and possible lodgings; today some areas have organised a service on more formal lines employing auxiliary staff to run it. The numbers of probation homes and hostels have increased but in general these are viewed as aids to control and containment rather than as provision of a basic requirement. Views of the Service's responsibilities in this area vary.

Financial aid is another aspect of PRACTICALHELP which has aroused controversy. In the missionary days charity often determined whether the client lived or died. The aphorism that you cannot convert a man with cold feet and an empty belly is usually attributed to General Booth of the Salvation Army but it accurately reflects the attitudes of most of the evangelical movements of the period. Then, as now, the material resources were insufficient.

Although it may seem that monetary aid should be less necessary in today's welfare society it is a sad fact that from the ashes of each poor box has arisen, like a phoenix, a 'befriending fund' which in the English service is used to help probationers where they are not eligible for state aid. In Scotland the more generous provisions of Section 12 of the Social Work (Scotland) Act 1968 allow money to be given to

probationers.

While financial help is still given more often efforts are made to help probationers obtain assistance from departments which have a statutory duty to provide it. These, and other social services, have systems so complex that the worker is frequently called upon to assist, advise, mediate and, sometimes, to attend tribunals, to help the probationer in his dealings. Some consider such advocacy a vital part of practice. A group of social workers agreed that -

By advocacy in social work we mean the defence or promotion of the client's rights and interests. We see advocacy as a partisan and activist activity. Advocatory social work involves the worker in joining with the client to fight for the client's social and welfare rights. By this means the client's sense of dependency, which the group believes results from situations in which the client's voice is not heeded, is reduced. This model of social work help is put forward as an alternative to the traditional medical model of social work which emphasises non-partisan, professional detachment in a therapeutic relationship between client and worker. The medical model results in an attempt to change the client's attitudes rather than the client's material environment.

(24)

EMPHASES of these kinds are called PRACTICAL HELP.

Summary of the First Phase

The first three EMPHASES discussed, MORAL IMPROVEMENT, DETERRENCE and SOCIAL CONTROL, appeared in what can be viewed as the first phase of the development of probation. All have retained some support. They have in common a concern with behaviour and are intent upon reducing anti-social action. The fourth, PRACTICAL HELP, is an end in itself and an adjunct to other EMPHASES. There are, of course, no clear cut lines either between these EMPHASES or between these and others which emerged later. Ideas merge, mingle, combine and co-exist, but it would seem that those discussed above remained dominant until around the 1930s when ideas from other sources appeared, developed, gained ascendancy and affected all fields of social work.

The Second Phase

In probation's second phase scientific influences, particularly from the medical field, became dominant although there was not immediately or necessarily any rejection of the principles developed during the first phase. From the middle of the nineteenth century there was increasing attention paid to the aetiology of crime and the nature and behaviour of the criminal. Medical men began to explore the domain of the mind. Theories of biological determinism, of inherited characteristics and of genetic deficiency were hypothesised, and substantially rejected in favour of theories favouring psychological damage or malfunctioning. These in turn were superseded by theories stressing the importance of environmental influences.

That the mentally ill and the mentally defective (these were not legally differentiated until an Act in 1857) could not reasonably be held responsible for their actions was recognised in the common law of England and was enshrined in legislation. There was difficulty, however, where the accused, while not innocent according to the criteria of the day, was clearly not fully responsible for his actions. As early as 1835 Pritchard coined the phrase 'moral insanity' to cover such cases. Attempts to deal with the problem received popular attention when in 1843 the principles were reformulated in the case of McNaghten. It became accepted that -

..... if at the time of committing the act the accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or if he did know this that he did not know that he was doing what was wrong

(25)

he could not be found guilty of that act.

Interest grew. An early Scottish pioneer, James Bruce Thompson,

made a number of empirical studies. In Criminal Lunatics in Scotland he wrote, in 1867, that he wondered -

..... where actually 'badness' ended and 'madness' began

and concluded that

..... the inmates of the asylum and the prison are so allied that thin partitions do their bounds divide. (26)

Maudsley, (27) Lombroso, (28) Havelock Ellis, (29) Healy, (30) and many others produced similar works. These laid the foundations for the second, or determinist, phase of probation practice, a phase which emphasised the treatment of criminals and which began, say, in the 1920s, flowered in the psychoanalytic sun until the 1960s and is only now slowly fading.

The emphases of this second phase are similar to those of the first phase in that they were intent upon securing acceptable and conforming behaviour but distinguished from them by the belief that the individual's behaviour is not freely chosen but is influenced by unconscious (psychological) forces or by the social environment. It was accepted, in varying degrees, that the individual had a right to (a certain amount of) satisfaction of his needs, and self-expression, both physical and emotional, which needs, the degrees of freedom, and the methods used to manipulate these caused disagreement.

Emotional Help and Psychological Treatment

The view that the offender could or should be treated in the same manner as the physically ill, was not himself responsible for his condition, and therefore not fully accountable for his behaviour, gained ground. When Dr Bevin Lewis, medical superintendent of Wakefield Asylum,

gave evidence to the Gladstone Committee in 1895 he was asked -

Do you agree with those medical authorities who hold that crime is always, or nearly always, connected with mental unsoundness?

He answered -

Well, I go very far in that view, but I would not emphasise it so strongly as Lombroso, Kraft-Ebbing and many others have done, but they all have some kind of psycho-physical basis.

To the next question -

Do you go so far as to say that you regard the committal of crime as in itself evidence of mental unsoundness?

he replied -

Certainly not, but the habitual criminal I regard simply as the degenerate offspring of a very degenerate stock, and if I may be allowed to express my opinion more freely, I would say that both insanity and crime are simply morbid branches of the same stock. Given a certain environment you will have crime, given a more favourable environment you will have simply insanity. (31)

This redefinition of some criminal behaviour as beyond the control of the perpetrator, sometimes considered, as in the above quotations, a genetic or congenital defect, led to the postulation of 'moral imbecility'. This concept was incorporated in the 1913 Mental Deficiency Act. Among those persons deemed to be 'morally defective' were -

..... persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect. (32)

With the development of psychology and psychiatry the view that crime was, or was a symptom of, a certain kind of insanity of biological origin diminished: later exponents held that the 'illness' was caused by certain combinations of early life experiences rather than by congenital factors. It was then possible to attempt 'treatment' to 'cure' or at least counteract these malign influences. Study of the relationship between offending and mental illness and the importance of mental

disturbance as a causal factor in criminal behaviour became increasingly important. In 1932 the Report of the Departmental Committee on the Persistent Offender (33) had a section entitled How far can persistent offenders be treated as mental patients? The discussion concluded that although too little was known to give a categorical answer there was much to be said for the view that persistent offending was a mental disorder.

Such reports show that the relationship between criminality and mental illness was a live issue; presumably probation workers were aware of the controversy. Certainly social work moved towards a 'treatment' perspective, based on the medical model, and used this in dealing with the offender. This can be seen in an early social work text book in which Mary Richmond, the American pioneer of social work and founder of what came to be known as the 'diagnostic school', wrote in terms of 'pathology' which called for 'diagnosis' and 'treatment'. (34)

In Britain the 1927 Departmental Committee on the Treatment of Young Offenders talked about 'diagnosis' and 'treatment' and of suiting these to the needs of the offender but a Home Office circular to Justices in 1930 made it clear that probation officers should not be expected to deal with the mentally defective or mentally ill nor should 'weak minded' be sent to probation homes or hostels. Nevertheless, the view of the probation officer as a therapist developed. The Handbook, in 1935, went a long way towards accepting the treatment perspective. It said -

Organic or nervous conditions can act as a direct cause of delinquency, while in other cases physical disabilities are indirect factors of causation. It is obviously necessary, therefore, to make a very thorough differentiation between individuals, and the time has come to ask ourselves whether such a differentiation, by medical or psychological methods, should not be made in the case of every delinquent

child. We should then bring to light not only the obviously abnormal and defective, but those cases of backwardness, instability, neurosis and early mental disorder not to mention physical disabilities in all of which delinquency is an illness rather than a crime, and so much can be done to re-educate and cure.

Psychological explanations, particularly those of Freud and of the psychoanalytic schools, already popular with psychiatrists by the 1930s slowly invaded the probation service. Indeed, such was the force of these ideas that in social work until at least the 1960s 'psychology' was often used as a synonym for 'psychoanalytic theory'. This is illustrated in the 1935 Handbook -

A study that is becoming increasingly necessary to all engaged in the work of education is that of psychology and to few can it be more important than to probation officers. They must realise that there are unconscious motives as well as conscious ones and that these affect their own conduct as well as those they are trying to help.

The earliest record found of a formal attempt to introduce psychology to probation workers is An Introduction to the Study of Psychology given at a National Association of Probation Officers' conference in 1923. (35) Slightly later there are, in the magazine Probation, articles which suggest that the National Association was attempting to spread knowledge of psychoanalytic methods. In 1929, for example, there was a conference which discussed The Technique of Probation and the Unconscious Motive of the Delinquent. (36) However the Handbook of 1935 was unsure about how skilled probation workers should be. In a discussion of psychology -

It's not to be supposed, or indeed wished, that they can make a deep and thorough study of this subject, which is one for trained experts.

Social work, having developed a psychoanalytic bias which itself borrowed from a medical model followed the medical profession in incorporating into its thinking the theories of other psychoanalytic,

psychodynamic, ego-psychological, instinct and object-relations schools. There were many sources disseminating these ideas. The London School of Economics' Mental Health Course has already been mentioned. In addition there was the Tavistock Clinic, founded in 1925 and the (now-named) Institute for the Study and Treatment of Delinquency founded in the early 1930s. These organisations accepted the concepts and methods of psychiatry, particularly those utilizing psychoanalytic theories.

Developments in psychological theory led some workers to shift the emphasis from a 'treatment' perspective based on a model of illness or psychopathology, a medical model, to one which emphasised psychological growth and development. The work of adherents of this view, which became known as the functional school, appeared in the 1940s. The functional school rejected the deterministic and mechanistic view of the Freudian based diagnostic school and instead adopted methods developed from the work of Otto Rank, a psychologist who emphasised man's desire for growth and his need for self-expression. The differences between the two groups were summarised by Smalley who said -

The diagnostic school worked from a psychology of illness, with the worker feeling responsible to diagnose and treat a pathological condition, and with the center for change residing in the worker. The functional group worked from psychology of growth and saw the center for change as existing not in the worker but in the client, with the worker's method consisting of engaging in a relationship process which released the client's own power for choice and growth. This functional group used the term 'helping' in referring to its method, the diagnostic group 'treating' and of 'treatment'. The functional group's view of human nature also took into account to a greater extent than did the the diagnostic group in the early years of its development the effect of social and cultural forces in human development.

((37))

The debate between these groups was less heated in Britain than in the United States where it received attention from the 1940s onwards. Although contemporary British textbooks and journals almost ignored the

debate they absorbed ideas from it as though by osmosis through books and courses which propagated the changed emphasis without making the original debate explicit. There was, however, little change in underlying tenets of social work practice and little discernible difference in the practice itself. Careful study of case notes published to demonstrate the differences between the methods of these two schools suggests that the argument had much in common with that of medieval divines who disputed long and earnestly upon the number of angels who could dance on the head of a pin. The validity and usefulness of basic psychoanalytic concepts and methods were not questioned: there was merely a widening of the perspective.

In spite of some early assays into the field it was only in the 1950s that the Probation Service became concerned with Casework. Few workers had been trained in such methods by 1956 when a paper was read to an Institute for the Study and Treatment of Delinquency symposium on The Casework Approach to Probation. This described the initial casework training in the Probation Service. Rather more stress was laid on 'insight' and 'discussions with a psychiatrist' than on theory, method or technique. (38)

From the middle of the 1950s till the end of the 1960s arguments raged in the Probation Journal and similar publications over 'casework' - its definition, its use and its relevance to probation work. Workers who had not had the benefit of this new insight-giving (or any) training were sceptical and defensive but it came to be accepted that probation was social work and that social work WAS casework. In 1962, for example, the Morison Committee defined probation as 'social casework' and 'casework' as -

..... the creation and utilization for the benefit of an individual who needs help with personal problems, of a relationship between himself and a trained social worker.

The Committee felt that the method of working 'through a relationship' -

..... has imported into the practice of social work a new and highly professional approach described by the term 'social casework'. It is significant that the 1936 Committee could describe the supervisory functions of the probation officer without using this term. Today the probation officer must be seen, essentially, as a professional caseworker, employing, in a specialised field, skills which he holds in common with other social workers; skill which, if it opens up to him hopes of constructive work which were not enjoyed by his predecessors of twenty years ago, also makes more complex and subtle demands upon him.

There were among experts different views of the 'depth' at which casework was to be conducted. These can be dichotomised into 'weak' and 'strong' forms of the applicability of individualistic psychoanalytic theories in social casework. The 'weak' form did not necessarily dilute the basic theories of psychoanalysis but recognised that it was necessary to adapt the relationship and process of treatment in different circumstances. It suggested merely that the client needed help with emotional (and other) problems while the 'strong' version suggested that casework is in fact psychoanalytic treatment or therapy which the client needed in order to 'cure' or 'help' him reject his faulty or maladaptive ways.

Hollis seems to have espoused the 'weak' form. Discussing change in adaptive patterns she said -

..... change, based on preconscious influences, on suppressed rather than repressed material can be brought to the surface with casework.

She warned against attempting to bring repressed material to the surface.

Monger, on the other hand, writing in the same year, supported a

'strong' interpretation -

The suggestion has sometimes been made that social workers should confine themselves in dealing with their clientele to what is on the surface, to material which the client presents and of which he is aware. To attempt to tamper with the unconscious is held to be unjustifiable. This train of thought, however, overlooks completely the all-important fact that it is just because social workers have long operated in the way suggested, and have discovered for themselves the considerable and insuperable limitations of work of this kind, that they have reached out for new skills and techniques borrowed in the main from the medical field and adapted to case-work practice. If the probation officer, therefore, seeks to find justification for acquiring knowledge about the unconscious, and ways in which it is relevant to his work, this lies simply in the fact of his inability to help many probationers, and the limitations of the help he can give to others, unless this factor is taken into consideration. (40)

There is, however, no conflict, either between the diagnostic and functional schools, nor between exponents of 'casework' and 'deep casework', between the 'weak' and 'strong' forms, over the basic premiss that casework focuses upon the individual, upon his problems, and seeks to help him solve these.

New therapeutic methods and techniques evolved. Carl Rogers (41) introduced client centred non-directive therapy. Berne (42) developed transactional analysis. Janov (43) proposed primal therapy. Glaser (44) suggested reality therapy. These ideas were in differing degrees compatible with the psychoanalytic position.

In time other psychological theories received attention. Eysenck (45) noted the importance of individual differences within a theory of psycho-biological determinism and suggested a new basis for dealing with the anti-social. Jellison (46) introduced British social workers to techniques based upon and developed from learning theories. New approaches too were developed - crisis intervention, contract theory, task centred casework, role theory, communication theories, short term

casework received attention, but irrespective of theory, method or technique these developments, and others, focussed attention upon the individual. The test for success in any method was change in the client - movement towards increased social competence, improved problem-solving, self-realisation, self-actualisation, self-expression In this they did not depart from the traditional social casework perspective and they belong therefore in this second phase of development both chronologically and ideologically although the theories, methods and techniques are still being developed.

In this study the 'weak' form of individualistic casework is called EMOTIONAL HELP and the 'strong' form PSYCHOLOGICAL TREATMENT.

Situational Help

Personal relationships, pressures exerted by the situation and the constraints of the structure of society are important determinants of the behaviour of the individual. In this section attempts made by workers to come to terms with these determinants and the degree of emphasis upon manipulating them is considered. Three perspectives are described; each resulted in a different kind or level of intervention. Only the first of these perspectives belongs in this, the second, phase of the development of probation.

Situational Help - A 'Weak' Form

Social casework purported, from the beginning, to be a psycho-social therapy dealing equally with psychic and social problems but there was greater concentration on the psychic. Where practitioners claimed to be dealing with social problems they were often, in fact, dealing with the individual's (in)ability to cope with his family, everyday relationships and immediate social setting. The interpretation of 'social' was the immediate circle of family and acquaintances. There was little or

no attempt to assess how far the situation, and the organisation of society, was the problem, to manipulate these, or to deal with social problems directly. For these reasons it is suggested that the assistance offered by those who worked through a casework relationship was an extremely 'weak' form of Situational Help congruent with the individualistic focus (and therefore in the second developmental phase).

In The Young Delinquent which appeared in 1925 Burt, a British pioneer in psychological research, drew attention to the necessity of considering all influences upon the offender. This was noted in the 1935 probation Handbook. In a later section environmental problems were mentioned but still without grappling with them. The author quoted Hamblin Smith (a prison medical officer, early psychoanalyst and lecturer in criminology) who acknowledged that situational problems existed but in accord with the emerging emphasis suggested an individualistic solution. Hamblin Smith wrote -

With regard to probation it may be said that it often fails because the environment is left unaltered. The individual is left to struggle on against the drawbacks of his environment, which drawbacks may have been responsible, in a secondary way, for his delinquency. The efforts of the most admirable probation officer are sometimes thwarted in this way. It is often most highly desirable to remove the offender from his home surroundings.

(47)

The 1936 Committee noted -

The probationer is rarely an isolated unit in society; there are usually in the background friends and relations who may be an influence for good or ill. By obtaining the help of these the probation officer may be able to strengthen his own efforts.

The redoubtable Miss Glover not only acknowledged the influence of the family but was one of the few to make concrete suggestions on how others could be included in the probation process. Beistek, Hollis, and even Perlman, who claim to deal with the 'social' as well as the 'psycho'

aspects of psycho-social problems, devote more space to the psychological. In spite of the early soundly pragmatic acceptance of the importance of the family probation workers were slow to undertake family casework.

Parsloe, in 1967, wrote -

In social work there is a movement towards working with families as groups and dealing with the behaviour of individuals as a symptom of the family group. Probation officers are using this method, but it is less popular in probation than in some other services. (48)

It was also suggested that family therapy was not a legitimate method in probation work in that inclusion of other family members represented an intrusion, not sanctioned by law, into the probationer's privacy. Parsloe, for instance, said -

The officer has to decide whom he shall see; whether his work shall be solely with the client or with the people who make up this client's environment. In this area officers usually allow the adult client considerable right of choice, and even where the officer feels he cannot help unless he is able to see parents or spouse he would be unlikely to do so without the client's permission. (49)

There has, however, recently been renewed interest in this approach and particularly in conjoint family therapy - the name given to a treatment method in which two workers co-operate each interviewing different individuals or groups within the family. (50) Other methods of involving 'significant others' in the treatment of probationers have also been developed, notably group work (51) and intermediate treatment.(52)

The trend is noted by Robertson -

Thus, it seems that the aim of therapy is not simply to achieve a degree of equilibrium within the individual, but to enable him to adapt himself to the pressures and demands of his social environment. In other words, treatment may be coming to be guided less by a rather vague concept of 'health' (implying a state of perfect equilibrium and freedom from conflict) than by a more pragmatic (but not necessarily less vague) notion of 'social functioning'. (53)

In 1973 the Advisory Council on the Penal System, in Young Adult Offenders, criticised the predominantly individualistic approach as 'overoccupied with personal relationships' and 'inward looking'. Parsloe and Stevenson, (54) in a study conducted in 1975, found that this preference for individual work based on psychotherapeutic principles was still common, and noted that it was particularly popular in The Probation and After-Care Service.

There have however been attempts to integrate perspectives and to use theories from other disciplines. The work of Pincus and Minaham (55) and of Specht and Vickery (56) on 'integrated' and 'unitary' approaches, and of the systems theorists (57) have enabled more systematic methods of working, and a more eclectic approach to develop.

Summary of the Second Phase

In this second phase of development there was a movement away from a moralistic view of offending towards a more questioning, exploratory and scientific approach. This was based on a medical model which while originally thinking in terms of 'pathology' and 'cure' became less doctrinaire talking in terms of 'maladjustment' and 'dysfunctioning' and change. During the period attention was concentrated almost exclusively on the individual, his actions and reactions, conscious and unconscious. This came to be seen as a constricting perspective defining problems too narrowly to facilitate resolution. The development, for example, of systems theory and integrated methods illustrate growing recognition of this and the beginning of attempts to bridge the conceptual space between the subjective perception of problems, with their emotional concomitants, and objective and pragmatic attempts to solve them.

The Third Phase

The third phase of development in probation work is distinguished not by the introduction of any new principles or even of a new perspective but by the development of concern about situational determinants of social problems so pronounced that it necessarily drew its inspiration and information from new sources - from sociology, criminology and social administration. The second and third levels of situational concern - the pressures exerted upon the individual by the social situation and the constraints of the structure of society - were not, of course, suddenly discovered in the 1960s. They were noted by earlier workers. In 1922, for example, Hamblin Smith pointed out -

It is our duty to consider whether there are not conditions in our present social arrangements which directly promote delinquency. (58)

Elizabeth Glover also noted the effects of social structure -

..... but his family and background are conditioned by society. Crime always reflects the prevailing values of society. Thus in this country the crimes most heavily punished are those connected with property

After discussion of some shortcomings of the British social system she concluded -

..... society is partly responsible for crime and therefore under some obligation to help those of its members who fall moral casualties to its trends. (59)

It is clear, therefore, that early workers recognised the existence of unpropitious conditions but there was little attempt to remedy or remove them. It was the tackling of that task which distinguishes the third phase of development in probation work.

Situational Help - A 'Strong' Form

Many social workers were reluctant to extend their range of work beyond the individual or to believe that other disciplines offered

pertinent insights. They were slow to take cognisance of findings in other fields. The Morison Committee, in 1962, for example, wrote that -

..... the worker's purpose is much more profound than any environmental alteration he can achieve.

Hollis, in 1964, said of the new theories -

These sociological data amplify the rich understanding of the internal dynamics of the personality developed by the Freudian school of thought; they do not replace it. Freud's discoveries concerning the libidinal and aggressive drives and their stages of maturation, the effect of infantile thought processes on the child's perception and understandings of the world, the influence of early relationships within the family, and the profound affect of all of these as they continue, through their persistence in the unconscious, to influence later thought processes and emotions, remain basic to the understanding of the individual. (60)

These, and similar, reactions illustrate that the findings in psychology, sociology, criminology and other disciplines were considered by many to be superficial and peripheral.

Perhaps the most powerful and persuasive influence towards greater consideration of the importance of familial and situational aspects of personal difficulties came from within the medical establishment whose early individualistic emphasis had been so powerful. In the 1960s the existential values of what came to be called the anti-psychiatry school received attention from the general public as well as from the helping professions. Laing, Cooper, Esterson and Szasz (61) suggested that when social interaction is examined in detail much of what is defined as mental illness can in fact be seen as normal reaction to abnormal and intolerable stimuli. They suggested, in other words, that much 'illness' is created by the environment and that the correct focus of remedial treatment is not the symptom but the situation which creates it.

The development of social administration, which combined the methods

of the social sciences and used them to examine and analyse the processes and psychological and sociological implications of social policies aided the renewed focus on social work - attention to the problems of society as a whole - as opposed to social casework - the problems of the individual.

Influential in translating academic findings into practice was Dame Eileen Younghusband whose views on the intent and scope of social work training have largely determined the field today. In 1964 she wrote -

Perhaps it would not be too far fetched to see the positive role of social work in the community as a regulator of change and choice, always seeking to precipitate change where rigidities hinder the exercise of responsible choice, but at the same time trying to temper its speed or impact of change where this would create for individuals or communities a pressure of choice beyond their capacity to master and deal with it. (62)

Views of this kind, and the furoré caused by the 'rediscovery' of poverty (63) contributed to the development of the view that social work should also be a social force. Davidson, a lecturer in social work, drew attention to the dual role. He wrote -

..... one also has a social work responsibility to work for changes in dysfunctional structures. For social work to work in only one of these areas (ie with the client alone or the structures alone) is, in my view, irresponsible. So social workers in a local authority are in a unique position to amass information and statistics about the causes of their clients' financial problems over the whole country and, through their Directors of Social Work and their professional associations, present their clients' case forcefully at a national level. (64)

Community work developed as an expression of such feelings of concern with the wider aspects of social problems. Workers attempted to help groups or communities to tackle problems in a concerted manner and to attempt to reduce the pressures upon the community as a whole in order to facilitate more acceptable social behaviour. It is attempts

at SITUATIONAL HELP of this kind, which are rooted in the study of the social sciences and upon research into the problems of individuals and society with a view to influencing social policies for the benefit of all, that are here designated the 'STRONG' FORM of the SITUATIONAL HELP EMPHASIS

Situational Help - A 'Radical' Form

The first group within social work to concentrate on the effects of the structure of society on the individual and to direct attention to methods of changing the social system, rather than to influencing and improving it, drew inspiration not from sociological or criminological theorists, but from Karl Marx, (whom some might claim as the first social administrator). Marx introduced a political perspective to the study of social problems. His policies were designed to help the individual bring about, by force if necessary, an equal society. He considered that in existing western societies the powerful class, or classes, used institutions to maintain their predominance and to exploit the less powerful. He saw a clash between these groups as inevitable.

It was ideas such as these that those social workers who became known as 'radical' adopted. In The Radical Therapist, for example, it is held that the 'therapy' practised by the worker must be 'change' - political change - not adjustment of the individual, and that -

It is the role of the social worker to put an end to the aims of conventional therapy which are the perpetuation and legitimization of oppression and the status quo. (65)

Thus the 'radical' social worker would reject efforts to attain emotional adjustment or psychological wellbeing by 'treating' the client, and would probably also reject the idea of 'helping' the client to deal with problems which are in fact created by social systems. One group who take this view, Case Con, stated in their Manifesto -

Until this society, based on private ownership, profit and the needs of a minority ruling class, is replaced by a workers' state, based on the interests of the vast majority of the population, the fundamental causes of social problems will remain. (66)

Theoretical bases and support for such views are found in the recent works of Taylor, Walton and Young, British proponents of the 'new criminology' who provide a reasoned Marxist approach to problems of deviance. (67)

Marxists have been influential but a more political approach is gaining support even amongst workers who would repudiate any party political label. It is argued that legislation is the enactment of society's values, that all decisions are made in the context of a political system and that this must, therefore, be taken into account. Wootton, for example, supports reform of -

..... totalitarian methods of government, the dingy culture of the urban slum, the contemporary English law of marriage, or what I have elsewhere called the standards of an acquisitive, competitive, hierarchical, envious society. (68)

A group of social workers at a British Association of Social Workers' conference on financial aid in social work considered that workers should concentrate upon what is here called SITUATIONAL HELP and they tended towards a 'radical' expression -

For social workers to start fighting poverty and injustice the group believes that an expansion of cause advocacy strategies is essential. For example, while the group are unhappy about social workers striking or marching with clients they would like to see much more pressure by social workers on professional and non-professional organisations and trade unions. By concentrating on teaching techniques and methods of therapy rather than on the substantive problem areas of social policy and an understanding of political and social processes, social work training is tending to produce lay therapists instead of critical activists committed to understanding the client's situation and changing it. (69)

Some workers have taken action which might be interpreted as 'political'. When Birmingham Council planned to move its less satisfactory council house tenants to 'ghetto' areas where, among other things, there was to be intensive social work help, social workers opposed the plan and threatened to withdraw their services from these areas. The British Association of Social Workers supported them. Similarly, social workers in Nottinghamshire fought a council decision to re-introduce corporal punishment in assessment centres and community homes threatening to institute non-accidental injury procedures if it was administered. These workers too were supported by the British Association of Social Workers and by the National Association of Probation Officers (Midlands).

It is seen therefore that a growing number of social workers have a SITUATIONAL HELP EMPHASIS and that in addition to those with a party political motivation (and this may be of either 'the right' or 'the left') some who are not politically committed are moving towards a more RADICAL view of the role of the worker in which the client and worker co-operate to influence policies and change structures. Such developments may stem from Marxist influence but they may also be due to the increasing attention being paid to sociological concepts and findings. Such views are here designated SITUATIONAL HELP - A RADICAL FORM.

Summary of the Third Phase

All those intentions which take cognisance of the influence of the environment upon the individual and which focus attention upon methods of intervening in the situation, as well as or instead of in the life of the individual, have been grouped together under the heading SITUATIONAL HELP. Such views may be held in 'WEAK', 'STRONG' or

'RADICAL' form. The 'WEAK' form, which emerged during probation's second phase of development concentrated upon adjusting or modifying the probationer's family and personal relationships and immediate environment. Although workers were slow to relinquish this preoccupation with the individual they are now more alive to the role of the situation and of the social system in creation of problems and are working to remove such causes rather than dealing only with effects. This produced the 'STRONG' form of SITUATIONAL HELP which ushered in the third phase of development. Attention focussed upon improving existing social systems and tempering their effects upon the less able and under-privileged. Those who espouse the 'RADICAL' form are committed to changing the social system. The epithet 'RADICAL' does not imply commitment to any political view.

Congruence and Conflicts of Emphases

It has been noted that the seven EMPHASES in probation work co-existed some being accorded higher priority by different workers at different times. That workers today are not agreed upon the aims of probation but still discuss and dispute them is illustrated in a recent National Association of Probation Officers' paper which summarised the problems facing the Probation and After-Care Service today by posing four questions, the first of which was -

Can we define the purpose of our intervention? (70)

a question which might be paraphrased -

What are the EMPHASES in probation work?

For the most part the professional literature is not helpful each writer assuming agreement on the importance, if not pre-eminence, of the aspects chosen for discussion with little consideration of value bases. Connections, inter-relationships and incompatibilities of EMPHASES are

seldom mentioned. Possible discrepancies between stated objectives, functions and actual effects receive little attention.

For example, PRACTICAL HELP was discussed as a separate EMPHASIS but it can also be associated with other EMPHASES as an aspect of or adjunct to them. In the quotation on page 85 for example -

By means of this labour test the society soon found out those willing to work from the professional beggar

it is clear that PRACTICAL HELP in workfinding was seen not only as an EMPHASIS in its own right but also as an instrument of MORAL IMPROVEMENT and of SOCIAL CONTROL. The quotation also illustrates the then-prevailing judgemental attitude discussed in Chapter 2. Davies, (74) on the other hand, saw PRACTICAL HELP as a method of intervening in the probationer's environment - he called it Situational Intervention - and cited cases of workers helping probationers find accommodation, acquire bedding, clothing and furniture, and of workers helping probationers in negotiations with the (then) National Assistance Board. PRACTICAL HELP is also seen as consonant with the therapeutic endeavour. Timms saw it as preparatory to therapy -

At the present time it is sometimes viewed as a necessary means of helping a family to deal with its severe reality problems or establishing a relationship and thus paving the way for work on 'deeper problems'. (72)

EMPHASES can, therefore, be both ends and means. Difficulties arise when one EMPHASIS, and/or the value it reflects, conflicts with another. As has been shown some workers accept that PRACTICAL HELP is an adjunct to or a means of social control and employ it to that end but a worker who wished, for example, to render only EMOTIONAL HELP or PSYCHOLOGICAL TREATMENT might see it rather as an adjunct to therapy and vehemently disavow any intention of social control. It might be argued that

whether so intended or not PRACTICAL HELP nevertheless acts as a method of SOCIAL CONTROL, that this effect cannot be eliminated by mere asseveration and that the therapeutically-inclined worker is thus an agent of social control. Further, workers supporting the RADICAL FORM of SITUATIONAL HELP might object to PRACTICAL HELP on the grounds that it acts as a palliative which tends to preserve the status quo and thus postpones political resolution of real problems.

Similar conflicts can be found when any two or more EMPHASES are compared and their relative importance considered.

Summary of the Three Phases

The three phases of development in probation outlined in this chapter reflect ideologies which flourished and faded not only in probation and social work but in society as a whole. Although they are divided chronologically according to the time of their first appearance and ascendancy all have retained support and validity; the development of new ideas did not necessarily mean the abandoning of older.

In the first phase of development the initial religious intent was modified to take account of other social aims. Although probation workers did not see themselves as 'punishers' they accepted that they provided a 'second chance' which would only delay punishment unless 'reformation' or 'rehabilitation' took place. Probation was also intended to DETER from crime. Workers attempted MORAL IMPROVEMENT and SOCIAL CONTROL for their own sakes and in order to come to terms with the demands of society that they might be allowed to continue their work. To this end they offered, along with other things, PRACTICAL HELP which can be seen as an adjunct to any of the EMPHASES described and as an EMPHASIS in its own right.

'Treatment' or 'Helping', either emotional or psychological, were the leitmotifs of the second phase of development. They were used to assist the individual to fit into society. The offender was viewed as ill, or disfunctioning, not wholly responsible for his behaviour. There was also, in this positivist phase, a degree of concern with the effects which the family situation and immediate environment had upon the offender, a concern which developed, in the third phase, into a preoccupation with the effects of society and its systems upon the individual, a concern expressed in either STRONG or RADICAL forms.

In the final section of this chapter attention was drawn to the difficulties caused by incompatibilities of EMPHASES, their implications and particular interpretations of these and in methods and techniques employed. Philosophical and ethical problems in the practice of probation work are noted.

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In English common law there was a distinction between a 'natural fool' or 'idiot' and a 'lunatic not so born'. This distinction was incorporated in statute (17 Edward II ch 9 and 10). That both sets of persons were seldom prosecuted (although frequently forcibly incarcerated) continued until the Criminal Lunatics Acts of 1800 and 1838. The principal legislation at the turn of the century, the Lunacy Act of 1890, uses 'lunatic' as a generic term to cover 'any person of unsound mind and incapable of managing himself and his affairs' and 'an idiot or person of unsound mind'. The Act also dealt with 'mental infirmity' which appears to mean, at least in part, senility.

That there was no agreement on nomenclature, even within the medical profession, is clear from perusal of the evidence to the Royal Commission of 1908. To the modern reader it appears that some of the disagreement between pillars of the medical establishment on the causes of 'unsoundness of mind' arose from the confused definitions of 'idiocy' and 'insanity' used to describe what are now seen as different states. For example, the gentleman who by 'insanity' meant congenital brain damage and therefore pronounced insanity as existing from birth was unlikely to agree with the gentleman who by 'insanity' meant 'anti-social behaviour' and therefore ascribed it to 'wickedness' or 'environmental causes'.

In Scotland the position was worse. An eminent practitioner (Clouston) told the Royal Commission that 'the only definition of insanity in this country is that a case is certified by two doctors'.

The position regarding mental deficiency and mental illness was at the turn of the century akin to the present position in criminology where phenomena are classified by describing their effects - crime - rather than by consideration of the aetiology, or the social definitions, laws, behavioural norms, which lead to the actions being considered deviant in the first place.

See also -

Sir Francis Galton The Problem of the Feeble-minded 1909

- 26 James Bruce Thompson Criminal Lunatics in Scotland 1867
- 27 H Maudsley Responsibility in Mental Disease 1873
See also -
C L Robertson and H Maudsley Insanity and Crime 1864
- 28 C Lombroso Crime: its Causes and Remedies 1st edition 1876
5th edition 1897 English translation Horton Boston Little
Brown 1911

For discussion and refutation of Lombroso see -
Charles Goring The English Convict HMSO 1913

See also -
Johannes Longe Crime as Destiny 1929
W N East and W H de B Hubert The Psychological Treatment of
Crime HMSO 1939
W Norwood East The Adolescent Criminal J & A Churchill Ltd
London 1942
- 29 Havelock Ellis The Criminal London Walter Scott 1890
- 30 William Healy Individual Delinquents 1915
- 31 Report of the Departmental Committee on Prisons 1895 ubi supra
Minutes of Evidence Questions 9082 to 9083
- 32 Mental Deficiency Act 1913- (Amended in 1927)

Moral defectives - that is to say, persons in whose case there
exists mental defectiveness coupled with strongly vicious or
criminal propensities and who require care, supervision and
control for the protection of others.

See also -
Charles Mercier Crime and Criminals 1918
- 33 Report of the Departmental Committee on the Persistent Offender
Cmd 4090 (Chairman - Sir John Dove Wilson) HMSO 1932
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Foundation 1917
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Probation and After-Care Service 1876 - 1973 ubi supra
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- 46 Derek Jehu Learning Theory and Social Work London Routledge 1967
- 47 M Hamblin Smith Psychology of the Criminal London Methuen 1922 Quoted by Mrs LeMesurier in Handbook of Probation and Social Work of the Courts ubi supra
- 48 Phyllida Parsloe The Work of the Probation and After-Care Officer p 36 ubi supra
- 49 ibid
- 50 See, for example -
Virginia Satir Conjoint Family Therapy Science and Behaviour 1967
Virginia Satir People Making Science and Behaviour 1972
Salvador Minuchin Families and Family Therapy London Tavistock Publications 1974
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- 52 See, for example -
Nicholas Hinton in Blom Cooper (ed) Progress in Penal Reform Oxford Clarendon Press 1974
Geoffrey Dobson The Differential Treatment Unit Part 1 Probation Journal December 1976
Roger Vaisey The Differential Treatment Unit Part 2 Probation Journal December 1976

For other references to group work and intermediate treatment see also -

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55 A Pincus and A Minahan Social Work Practice: Model and Method Itasca Illinois F C Peacock 1973

56 Harry Specht and Anne Vickery (eds) Integrating Social Work Methods National Institute of Social Services Library No 31 Allen and Unwin 1977

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Phyllida Parsloe The Unified Approach Community Care August 1976

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Florence Hollis Casework: A Psychosocial Therapy 2nd ed New York Random House 1972

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Aid in Social Work (ed) Nancy Newman Edinburgh Department of
Social Administration University of Edinburgh 1976
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Financial Assistance in Social Work (ed) Nancy Newman ubi supra
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from NAPO No 3 Published by the 'Role and Structure' Committee
National Association of Probation Officers June 1977
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Research Studies No 21 HMSO 1974
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New opinions are always suspected, and usually opposed, without any other reason but because they are not already common.

Joseph Locke

Dedication Essay on the Human Understanding

Part I

Chapter 4

A NEW DIVISION - BY ORIENTATION

The development of seven EMPHASES important in probation work has been traced. This development took place in three ideological and chronological phases, the importance placed on each EMPHASIS varying according to the dominant ideas of the period. Each EMPHASIS has, however, remained valid. These EMPHASES, their combinations and priorities, are now used to deduce ORIENTATION and express it as a position on a single dimension - the JUDICIAL - CLINICAL dimension of ORIENTATION.

The Utility of the Concept of ORIENTATION

There have been many attempts to isolate the factors which influence outcome of treatment. There is a measure of agreement that neither intent itself nor the methods or techniques employed are themselves determinants of outcome. Davies, for example, reported -

No positive association was found between the focus of the probation officer's casework interview and the resolution of his client's environmental difficulties or the level of his reconviction rate. (1)

That effectiveness is independent of both theory and technique but is dependent upon certain characteristics of the worker was suggested by Truax and Carkhuff who found the most important elements to be 'accurate

empathy', 'nonpossessive warmth' and 'genuineness'. They noted that these desiderata -

..... appear to be common elements in a wide variety of psychoanalytic client-centred eclectic or learning theory approaches to psychotherapy. (2)

Kirkpatrick too suggested that 'genuineness' or 'authenticity' on the part of the therapist rather than correct application of methodology were important but he added another element. He wrote -

It is a person's own experience, personality and view of the nature of man which will influence the very choice of theory he will operate under. (3)

Kirkpatrick seemed to be suggesting that the 'view of the nature of man' is both a component of and a contributor to this 'genuineness' or 'authenticity', all of which are communicated to the client and affect outcome.

The same idea is perhaps contained obliquely in the old social work dictum that it is necessary for the worker to 'make the method his own'. It may be simply another way of saying that any method must be adapted to allow expression of certain worker characteristics. A more sophisticated version of this idea is perhaps the concept of 'worker style'. Worker style has received attention as an important factor in social work practice. It was defined by Goldstein as -

..... the composite of characteristics, both personal and technical, in responsible interaction, which finds expression in the manner of practice that is generally typical of the social worker's behaviour. (4)

Goldstein showed that workers persistently utilized a limited personal repertoire of behaviour in dealing with clients (regardless of the personality or problems of the client) even where workers perceived themselves as varying approach, technique and method.

It has also been noted that workers find it difficult to change to

new methods of working or to vary their method. This phenomenon, noted by a number of researchers, was expressed by Palmer in a discussion of worker style as -

..... a predilection for a particular kind of treatment characteristically applied, which involves the worker in undertaking alternative methods with reluctance and in a manner which is self-defeating. (5)

Such reluctance could be explained if it were that the original style allowed (genuine and authentic) expression of the worker's beliefs etc and the new method did not, or did so less satisfactorily.

Robertson is one of the few to make explicit the importance of worker values or beliefs in treatment. He said -

Effective treatment requires more than knowledge of the techniques involved; it also demands that its practitioners possess a relevant or congenial set of values. (6)

Hardiker attempted to measure the way probation officers implemented their beliefs and theories about criminal behaviour when writing social inquiry reports. She found that -

.... the ideology of deviant behaviour is a determinant of preferences for controlling the deviant

but she suggested that because -

..... it seems that professionals rarely carry out their ideologies in pure form in practice that the concept of operational philosophy might help us understand some of the ways in which probation officers carried out their treatment preferences in practice. (7)

Truax and Carkhuff suggested that the rewards given by the therapist to expressed attitudes or behaviour, whatever these rewards might be, were the important factors in communicating attitude to the client.

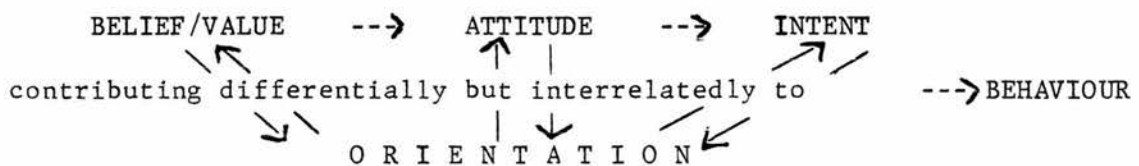
Worker characteristics have been shown to be factors influential in determining the outcome of treatment. Empathy, genuineness and non-

possessive warmth seem to be prerequisites, a value system congruent with the aims of therapy and a method which allows expression of the value system are necessary. This value system will also determine which probationer responses are reinforced. Beliefs, and theories, cannot be expressed in pure form - there is a gap between theory and practice - suggesting the need for what Hardiker called an 'operational philosophy'.

In an attempt to take account of these, and other, elements, and the weight accorded to each, and in order to provide something akin to an operational philosophy, the concept of ORIENTATION is presented.

The Concept of ORIENTATION (and its relation to behaviour)

ORIENTATION is an attempt to describe and utilise certain of the agglomeration of elements which contribute to behaviour. It attempts to combine both emotional and rational elements and to take account of the overlapping and interrelatedness of these factors which contribute to behaviour. Value systems are of course multidimensional and too complex to be fully expressed. The concept of ORIENTATION introduced in this research is an attempt to extract certain aspects or components of value systems relevant to a single issue. It might be shown schematically -



As shown ORIENTATION contributes to intent, which has been shown by Fishbein and Ajzen (8) to be the most important element in the determination of behaviour. Intent is itself influenced by beliefs, values, and attitudes in addition to being modified by the situation and

the desired outcome but is the most important factor. Intent is a conscious and cognitive element which is a mediator between all influences (conscious and unconscious) on the individual and his behaviour.

It is not the purpose of this research to describe how such mechanisms might operate, merely to establish that the phenomenon described by the concept of ORIENTATION exists (and later, that it has an effect).

It is important to note, however, that a number of researchers have found similar traits to be consistent, persistent and to have an effect.

Gendlin, investigating the part which subverbal communication plays in therapist expressivity, found that communicative behaviour patterns existed, were pervasive and that therapists had little ability to either disguise or discount them (9). Similarly Grosz and Grossman, in an investigation of sources of variation and bias in clinical judgements demonstrated -

..... a tendency of the individual clinician to show an consistent overall bias in his judgements in routine psychiatric examination, a bias which is independent of the nature of the datum he is considering. (10)

And Carl Rogers found that -

Counsellors or therapists tend to be quite consistent in the level of attitudinal conditions which they offer to each client. (11)

Further, it is suggested by Witkin (12) that cognitive components themselves have a certain bias or consistency which he calls 'cognitive style'.

There is reason, therefore, to suggest that ORIENTATION is probably pervasive and produces consistent behaviour which the worker cannot change or disguise but further empirical research is necessary to establish this conclusively.

JUDICIAL and CLINICAL dimension of ORIENTATION

The continued co-existence in probation work of different intentions and underlying value systems has been illustrated. A constant element has been movement between the view that probation should be used to satisfy the demands of society as a whole and the view that probation should meet the needs of the individual. The focus has changed over time: the first workers saw probation as a means of meeting the needs of the individual but it quickly evolved as a method of coercing individuals to comply with the law and with an approved set of social norms: later still workers espousing the 'treatment' ideology saw the needs of the individual as paramount. It has been suggested that today probation is searching for a synthesis of these views.

The probation worker has always faced the conflict between society's demands and the individual's needs. A recent National Association of Probation Officers' pamphlet stated -

..... it can generally be said that most probation officers want to do a job which is personally satisfying, of value to either the client or society or both.

In probation work it is particularly important that a balance be found because in order to act in other than the simplest of situations conflicts between these two kinds of aim must be resolved. This may be done by creating hierarchies of values in which, while taking account of both, one or other is the preferred primary value. The attempt to reconcile values, and the related or resultant attitudes and intentions, is what is, in this research, measured on the JUDICIAL - CLINICAL dimension of ORIENTATION.

The phrase JUDICIAL ORIENTATION is used to describe an ORIENTATION where the worker is guided principally by a sense of responsibility to

society and wishes to comply with its demands. The phrase CLINICAL ORIENTATION is used to describe an ORIENTATION where the worker attempts to help the probationer resolve personal conflicts, perhaps unconscious or preconscious, and to achieve greater satisfaction in life. One places primary value upon meeting the demands of society and the other stresses the importance of self-expression and satisfaction of individual needs.

Underlying the JUDICIAL ORIENTATION is a belief that the needs of all are best met by putting the good of society first and where necessary subjugating the needs and desires of individuals to those of the group. Lord Devlin, who espoused The Enforcement of Morals, is an example of an exponent of this view. (13)

Three of the EMPHASES identified in Part I Chapter 3 - DETERRENCE, MORAL IMPROVEMENT and SOCIAL CONTROL - were held to be JUDICIAL in EMPHASIS in that they are primarily concerned with the organization of society. A worker with a JUDICIAL ORIENTATION will attempt to persuade the probationer to comply with the terms of the probation order and to accept, or at least to follow, accepted codes of behaviour. The JUDICIALLY ORIENTED worker may concentrate on securing acceptable overt behaviour by the probationer either because it is believed that this is all that is possible, or that is necessary, or because it is felt to be unethical to attempt to influence the probationer's values and/or behaviour in any other way. The worker with a JUDICIAL ORIENTATION will give priority to DETERRING the offender from further anti-social behaviour, to exercising SOCIAL CONTROL and perhaps to effecting MORAL IMPROVEMENT.

The second - CLINICAL - ORIENTATION is supported by the view that

the interests of the individual should be paramount (either regardless of the needs of society or because society's needs are, in the long term, best served by meeting the needs of the individual), that society should attempt to meet these, and should (as far as possible) tolerate individual behaviour inimical to it. Sartre (14) and other existentialists explored the theoretical possibilities and implications of this in their writings. A S Neill (15) explored the possibilities, if not the long term implications, in practice, in a school in which children were given almost complete freedom.

EMOTIONAL HELP, SITUATIONAL HELP and PSYCHOLOGICAL TREATMENT, also described and discussed in Part I Chapter 3, were labelled CLINICAL because they were considered to be primarily concerned with the individual, with his problems, with self-expression and fulfilment. For example, the three forms of SITUATIONAL HELP distinguished are in varying degrees concerned with fitting society to meet the needs of the individual in contrast to the EMPHASES labelled JUDICIAL where the focus is upon fitting the individual to society.

A worker with a CLINICAL ORIENTATION will wish to foster those qualities usually referred to as insight, personal or psychological growth, self-expression and self-determination. Such aims do not, of course preclude belief that development along these lines will, in the long term, reduce offending, but this is not the primary intention of such a worker. The worker with a CLINICAL ORIENTATION will consider reduction of anti-social behaviour of lesser importance. Higher value will be placed upon rendering EMOTIONAL HELP or PSYCHOLOGICAL TREATMENT and SITUATIONAL HELP.

As was noted in Part I Chapter 3 PRACTICAL HELP was considered

equally associated with both JUDICIAL and CLINICAL EMPHASES and is included in both groups.

A division similar to the JUDICIAL/CLINICAL was observed by Parkinson who in describing the objectives of certain probation workers linked them with particular therapeutic methods. Parkinson's 'altruistic ideologies' are unlike ORIENTATIONS in that they imply preferred treatment methods. They only incidentally, and partially, reveal underlying ORIENTATIONS. (It should be noted that the definitions of ORIENTATIONS do not necessitate nor imply use of particular social work methods or techniques.) Parkinson's article is quoted simply as an example of a similar division. He described a Probation Service Project -

In essence there had been a state of conflict of altruistic ideologies between probation officer staff members. One group believed in a therapeutic approach in which the inadequate human being is allowed to find his own way towards self-realisation, aided by love, insight and hot dinners. In theory this has meant an attempt to develop a non-directive environment with easy availability of casework, group discussion and constructive activity. In reality it seems to have permitted a vigorous attempt by some of the regulars to turn the place into a base for boozing, and by others, less addicted, into a dossers' rest room. In such an atmosphere the hot dinners did rather well even if love and insight hardly got a look-in: not that individual staff effort didn't produce some successes, even out of this, at times, near chaotic situation. One or two of the men gave up their semi-vagrant lives and settled into semi-social living - no mean achievement. Opposing the 'therapists' were a group of probation staff struggling to create a more structured 're-educational environment' for their clients; they argued for a sheltered workshop, organised cultural activities and strictly limited 'rest' periods. (16)

Parkinson's 're-education and structure' group seemed to have wished to use the project to help clients to fit into society - to have been instruments of social control and perhaps to have intended to

induce moral improvement. They may well have had a JUDICIAL ORIENTATION. The 'casework and permissiveness' group, on the other hand, seemed to have wished to allow clients to reject the norms of society and to have helped them to continue to do this by providing comfort and security. This group may well have had a CLINICAL ORIENTATION.

Such guessing at ORIENTATION is, of course, unsatisfactory. The information available is incomplete. Inference is liable to error. A method of measuring ORIENTATION is necessary.

A Measure of ORIENTATION

Ascertaining ORIENTATION by direct questioning is likely to be inaccurate because apart from the fact that the concept needs some explanation workers might not be aware of their primary intention, or be able to express the balance which they adopt. They would certainly do so in different terms. Further, workers may repress or suppress their ORIENTATION, or simply be unwilling to reveal it because of social or peer group pressures, or because of perceptions of the 'correct' ORIENTATION. There may be a conflict between rational acceptance of one ORIENTATION and emotional commitment to the other. Argyris, (17) for example has demonstrated the power of unconscious determinants of action. He showed that the principles upon which individuals claimed they based their behaviour (espoused theories) frequently conflicted with their actual behaviour (theories in use) without the individual being aware of this.

A method of assessing ORIENTATION which circumvented some of the problems raised by psychological mechanisms was devised. Workers were asked to choose and rank EMPHASES. Choice of EMPHASES (whether from the JUDICIAL or the CLINICAL group), their combination and the priority

accorded to each were taken into account to produce a continuum of ORIENTATION from the strongest, or most extreme, expression of one to the strongest, or most extreme, expression of the other. Stages on this continuum were expressed as strengths or DEGREES of ORIENTATION. The measure is described in detail in Part III Chapter 3.

Ends and Means

It is not suggested that any individual accepts exclusively the demands of society or the needs of the individual, discounting the validity of the other view; values compete for pre-eminence and are affected by situations. Individuals' views are distributed along a continuum from the extreme of one to the extreme of the other; there is little agreement on the most desirable balance. As was pointed out in the previous chapter the EMPHASES can be both ends and means, that is, ends and sub-ends, and they can be interpreted as congruent or conflicting according to the context and value base.

The scale devised to measure ORIENTATION reflects this reality by recognising the primacy of a worker's main EMPHASIS and the priorities accorded to each subordinate EMPHASIS.

Summary

The concept of ORIENTATION was presented as a contribution to research into factors which affect the outcome of work with probationers. The word ORIENTATION was used to embrace those elements of belief, value, attitude and intent which contribute to the determination of behaviour of workers in probation work. It was suggested that ORIENTATION relevant to probation work can be measured on a continuum along a JUDICIAL - CLINICAL dimension and a method of doing this utilizing the workers' choices of EMPHASES, their combinations and the priorities these are given, is outlined.

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For further evidence that preferred treatments are determined by therapists underlying view of life -

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It is not intended to discuss the ideologies and philosophies which might underlie such beliefs and values. For a discussion of these the reader is referred to Central Council for Education and Training in Social Work Paper No 13 - Values in Social Work - a discussion paper produced by the Working Party on the Teaching of Values in Social Work, which recognised the same basic dichotomy and discussed implications. The paper was published after the completion of this research but while it was being written up.

A short discussion of the philosophy underlying values in social work is also found in Raymond Plant Social and Moral Theory in Casework London Routledge and Kegan Paul Library of Social Work 1970

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- 17 C Argyris The Incompleteness of Social-Psychological Theory - Examples from Small Group, Cognitive Consistency and Attribution Research Anno Psycho Vol 24 pp 893 - 908 1969

See also -
R W Gardner, P S Holzman, G S Klein, Harriet B Linton, D P Spence
Cognitive control, a study of individual consistencies in cognitive behaviour Psychological Issues 1 - 4

Read not to contradict and confute, nor to believe and take for granted, nor to find talk and discourse, but to weigh and consider.

Francis Bacon

Essays - 'Of Studies'

Part II

Chapter 1

REVIEW OF THE LITERATURE ON PROBATION OUTCOME

During the 1950s and 1960s the search for effective methods of reducing crime received increasing attention. (1) The growing numbers committed to prison - necessitating plans for further capital expenditure on custodial institutions - and the increasing costs of incarceration persuaded governments that more use should be made of non-custodial measures. (2) Further vindication of this change of emphasis from custodial to non-custodial treatment was found in American research which suggested that of all disposals intended to promote acceptable social behaviour and to rehabilitate the individual incarceration is the least successful, and is perhaps counterproductive in that it may increase the amount and/or degree of anti-social behaviour (3) (a point made in Scotland and England by the Cameron and Gladstone Committees in 1895 - and by many others since). The shift in emphasis was reflected in the White Paper The Adult Offender in 1965 -

Long periods in prison may punish or possibly deter offenders but do them no good - certainly it does not fit them for re-entry into society. Every additional year progressively unfits them.

There was renewed focus on probation - the only method used to deal with significant numbers of offenders in the community. Some of the

literature on probation will be reviewed but because of the vast numbers of, particularly American, studies it is necessary to limit the scope of the review.

Circumscription of the review of the literature

To review even the interesting and important literature on probation which has appeared during the one hundred and more years since its inception is impossible. There have been many different kinds of studies from purely descriptive to complex statistical analyses of the effects of interactions of treatment, worker and probationer characteristics. These have been carried out in a number of countries. They have been of varying degrees of sophistication and technical competence. Because this study is concerned with behaviour after a probation order only studies which included information on this outcome and presented it in at least quantitative terms are included. Purely descriptive studies and subjective assessments are excluded.

Until comparatively recently there were very few attempts at any kind of scientific evaluation of outcome. England, an American researcher, writing in 1955, reviewed the literature up to that date. He said -

While hundreds of books and articles have been written outlining the theory, advantages and techniques of probation since its origin, only fifteen accounts of scientific research into the efficacy of this correctional device have appeared in British and American literature. (4)

Of these fifteen studies only one was written after the end of the second World War, only two dealt with England and none mentioned Scotland. Their relevance to this research is problematical. They are noted in England's bibliography and will not be dealt with again here.

Although evaluative studies have appeared since 1955, (5) there are

dangers in generalising from them, or in using them comparatively. A number of pitfalls can, perhaps, be illustrated by reference to England's work - A Study of Post-Probation Recidivism among Five Hundred Federal Offenders. This study covered men placed on probation between 1939 and 1944. Almost 50% of the probationers had offended against the American prohibition laws which it is generally agreed were honoured more in the breach than the observance, and which have had no counterpart in Britain. It is unlikely that England's conclusion that racial origin is a potent predictor of both conviction and recidivism is valid in Britain, and that the different legal, cultural and social conditions vitiate attempts to compare England's findings with the results of British studies.

It is likely too that it is unproductive to compare older studies with later ones. An early statistical investigation, for example, (6) considered reconviction rates over different periods for all males on probation for different lengths of time between 1931 and 1942. The sampling period included three war years when many men were in the Services and conditions far from 'normal'. Additionally, the early practice of probation was different from that today. Comparison of results found in early and recent studies would not, therefore, be comparing like with like so pre-war and war-time studies are excluded.

There are differences also in the definitions of 'probation'. In the United States of America, for example, the word is sometimes used interchangeably with what is known in Britain as 'parole'. The terms and conditions of orders and the manner in which they are implemented may also be different. Each American state has its own system of probation as have many of the counties and larger cities. Offenders may be supervised under one of these or under the Federal probation system. Probation in

America has ranged from a requirement that the offender pay a small fee to the clerk to the court to have his name entered on a probation register to intensive methods used in small scale treatment experiments. (8)

The education and training of workers has also varied. In a report of impressions of probation in America an English probation officer reported (9) as late as 1961 that he found areas with no probation officers at all and others which preferred to employ only workers with PhD degrees.

It is difficult therefore to ascertain details of the systems which existed where and when the reports were written and so to judge how far the social conditions and probation systems in which the studies were carried out are analagous to those in Scotland and England. This review will give preference to British studies although certain American and other studies will be cited where these have been influential or can usefully be compared with British findings.

Studies of juvenile probation too are for the most part passed over because the behaviour of adults should not in most circumstances be compared with that of children nor should it be assumed that adult responses to particular circumstances or treatment methods be the same as that of children. As early as 1937 the Gluecks noted that -

..... some children once or twice steal minor articles as part of the process of growing up and trying their wings. (10)

There is evidence that this American finding holds in Britain. The Cambridge Study of Delinquent Development (11) distinguishes 'temporary' from 'continuing' delinquency. Comparison of a juvenile group, likely to contain a substantial proportion of 'temporary' delinquents, with adults who are, by definition, 'continuing' delinquents, would therefore be invalid. Any differences in personality and environment which distinguish 'temporary' from 'continuing' delinquents - and the Cambridge

Study suggested that these exist - would add unnecessary confusion in comparisons. This exclusion alone substantially reduces the literature to be reviewed because much research has been carried out on probation with juveniles.

Research dealing with female probationers is also disregarded. Traditionally male and female offenders have been dealt with separately. It has been felt that there were differences between men and women in the types of offences committed, in offence patterns, in arrest and prosecution processes, in court disposals, in causation and in amenability to treatment. Whether or not such beliefs are justified cannot be considered here. (12)

The studies reviewed therefore deal with some form of evaluation of the post-war post-probation behaviour of (British) adult males. Few studies meet these criteria. There were a number of studies of English probationers under twenty-one years of age and some which dealt with the seventeen to twenty-one years age group. Of forty such studies (all that were considered methodologically sound) examined by Simon (13) in 1971 none dealt with British male probationers over seventeen years of age.

Before reviewing the studies which exist it is necessary to enter caveats. The studies are not directly comparable. In addition to possible differences in cultural, social and legal systems, different definitions of probation, differences in the calibre of workers and in treatment methods there are methodological difficulties and inevitable shortcomings in any attempt to assess the outcome of probation. Classical experimental conditions which allow firm conclusions to be drawn cannot be attained. True experiment would necessitate very similar individuals being subjected to controlled and identical treatment processes and the

outcome compared with that of carefully matched individuals subjected to other treatments and to no treatment with neither experimenters nor subjects having knowledge of the allocation or processes. In probation research such conditions cannot be fulfilled. Researchers attempt different approximations to ideal experimental conditions according to their aims - and the availability of resources.

In the following review studies are roughly grouped according to the sophistication of the research design. The simplest studies which merely collate reconvictions are dealt with first but even at this level and within so circumscribed a field there are factors which make interpretation difficult. Definitions of 'reconviction' are varied as are follow-up periods. The reports cannot be compared; any conclusions must be tentative.

Studies of Probation Outcome

The 'success' of individuals on probation is usually narrowly defined as 'completion of the probation order' or 'no further (standard list or indictable) offences during a specified follow-up period' or a combination of these.

Grünhut in 1952 (14) followed-up 104 probationers, all over twenty-one years of age, for a two year period and noted their 'success'.

'Success' was defined as 'no symptoms of maladjustment'. 'Maladjustment' was not defined but seemed to have been at least in part equated with law-abiding behaviour. Certain other factors were also studied. How judgements of 'maladjustment' were made, or by whom, is not clear. It was deemed that 63.5% of the sample were 'successes' and 37.5% 'failures'.

In an attempt to avoid the over-simplification of the success/failure dichotomy Grünhut analysed a further 200 cases which he divided into 'early' and 'late' 'successes' and 'failures', an 'early success'

being a probationer who showed no symptoms of 'maladjustment' while a 'late success' was one who overcame a small 'early failure'. In this study the overall 'success' rate of 66%.

Worthing (15) in 1953 studied the reconvictions of 97 male probationers five years after their probation orders had ended in 1947. He found a 64% success rate. Here 'success' was defined as no breach, completion of order and no further convictions except for traffic or drunkenness offences.

The Cambridge Department of Criminal Science published, in 1958, (16) review of Middlesex and the Metropolitan Magistrates' Courts areas probationer performance, male and female, juvenile and adult. It covered those put on probation between 1948 and 1953. 76% of the adult males completed the probation period without incident (or had the order discharged early) and a further 10% who committed either a breach of probation or a further offence were allowed to complete the order. 19% were imprisoned for one or more offences while on probation. Over the probation period and the three year follow-up (making a total of between four and six years depending on the length of the order) 69% of the men were not reconvicted.

A Home Office Research Unit study (17) published in 1969 reported the results of a follow-up of 507 probationers aged from seventeen to twenty-one years for one year from the date the order was made. Taking into account all reconvictions except those for minor traffic offences there was a 37.3% failure rate.

It is remarkable that in these studies, and in others, that whatever the criteria of success, and whatever the follow-up period, the success rate is somewhere between 60% and 70% - a figure which calls to mind

Eysenck's (18) oft-quoted revelation that 70% of all psychiatric patients improved after receiving psychotherapy and that 70% improved without it, a finding which might suggest that the method had no effect. There is some evidence that this may be the case with probation.

To determine if probation is effective in preventing offending it would be necessary to show that the probationer, without probation, would have committed an equal or greater number of offences. As this is not possible some researchers have made attempts to examine the situation by comparing actual behaviour of probationers with statistically expected performance without probation. To do this what are variously described as 'base expectancy', 'experience' and 'prediction' tables have been produced. Numerous methods have been used to compile these tables but no completely satisfactory table has yet been produced.

In an exercise which utilized the best prediction methods Simon, (19) studying probation performance of two samples of seventeen to twenty year old British males and using as a criterion of success the absence of convictions for standard list offences during a three year period from date of order, concluded -

It would be difficult to deduce ... that the presence of supervision clearly alters the risk of reconviction.

Similarly Hammond, (20) considering only first offenders over a five year period, found that probationers had substantially more convictions than would have been expected had no treatment been given. His large sample of probationers committed 124 offences for every 100 expected. Probationers had the greatest excess over the base rate of those subjected to any of the six disposals which Hammond investigated.

It has also been suggested that probation is differentially effective,

that is, that it is effective with some kinds or categories of offenders and less effective, or counter-productive, with others. There is some evidence to support this but the differences are small and could be accounted for by other variables. A number of studies have found, for example, that older probationers are less likely to be reconvicted than younger ones but this may be no more than a reflection of the fact that convictions decline with age. Other studies have found that first offenders on probation had fewer reconvictions when compared with those with previous convictions. (21) This could be because probation is more effective with first offenders or it may be that those probationers would not have re-offended due to 'desistence', 'spontaneous remission' or 'maturation' concepts used to describe rather than explain the frequently noted decrease in convictions with age, or the decrease may be due to the deterrent effect of arrest, court appearance and conviction. Hammond's finding on the other hand contradicted some others. He found that although only 25% of first offenders, compared with 65% of those with previous convictions, were reconvicted of a standard list offence within five years he emphasised that this finding was not to be taken at its face value -

Probation produced relatively better results (in comparison with the calculated expectation) when used for offenders with previous convictions than when used for first offenders, although at best the results were only about equal to expectation.

Comparison of Results of Probation with Results of Other Disposals

Even if probation is not, overall, as effective in preventing re-offending as might be desired it may be more effective, or less harmful, than alternatives. Attempts have been made to assess the effectiveness of probation in comparison with the effectiveness of other disposals.

Strictly speaking this could be done only by matching offenders on all variables and assigning them on a random basis to different disposals. This is not possible but there has been, however, some research which has attempted to match probationers on a number of specified variables (thought to be important factors) with those assigned to other disposals. This can be done only in a limited way because it is difficult to assemble a sample with a spread of offending types over a range of disposals. For example, it is difficult to find a sufficient number of offenders with many previous convictions found guilty of serious offences given a discharge or fine, or of first offenders convicted of petty offences given long prison sentences. In addition assignment by the courts to different disposals may be made upon criteria which makes matching impossible or sentencers may utilize information not available to researchers when they later attempt to match offenders on certain variables. Exceptional or unusual circumstances revealed to the court are seldom transferred to criminal records: even items which should be collected as a matter of routine are frequently missing. There may be, therefore, important but unknown factors which are more influential upon outcome than the variables upon which matching took place.

In a Comparative Study of Probation Results in 1958 Wilkins (23) compared the reconviction rates of offenders put on probation in London courts with those given prison or borstal sentences or fined. He also compared the reconviction rates of men put on probation in a court which used probation orders three times more than the national average (and was therefore considered to have a very liberal policy) with a matched sample from other courts which used probation less often. He found that 60%

of those put on probation by the 'liberal' court were not reconvicted during the three year follow-up period. Differences between the two groups - those sentenced in the 'liberal' court and the others - were not significant. Wilkins concluded -

It seems that a larger proportion of offenders who are now sent to prison or Borstal could be put on probation without any change in the reconviction rate as a whole, although with the selection of worse risks for probation the gross success rate for probation as a form of treatment might drop.

This suggests that rigour of selection for probation does not influence outcome. It cannot be deduced from this study whether criteria other than those used would produce better results but a Study of the Effectiveness of Presentence Investigations in Reducing Recidivism (24) suggested that these were of little help.

Martinson, (25) an American researcher, noted a similar study in the state of Michigan in 1963 which found that an increase in the use of probation decreased recidivism rates. However, Martinson questioned the comparability of the groups and systems included in the research. Unfortunately he does not provide a reference for the study.

Benson (26) provided further evidence that the actual sentence has little effect on outcome. In 1959 he compared Borstal boys (who on average received eighteen months training) with prisoners (who served an average of four months) and detention centre inmates (who served an average of three months). Instead of matching Benson used the Mannheim-Wilkins prediction equation to standardise pre-existing characteristics of offenders. There was no difference in reconviction rates.

Other workers have, without matching or controlling for differences in the characteristics of the subjects, attempted to compare the effects of different disposals. While less rigorous such studies have the

advantage that the same methods and criteria are used in assessing the 'success' of the different groups in the study.

Wilkins, in his 1958 study, compared the reconviction rates of probationers with the reconviction rates of those given a fine or sent to Borstal or prison. For all of these the reconviction rates were around 60% and the differences were not significant.

McClintock (27) compared reconviction rates of first offenders and recidivists given various sentences. He found that the reconviction rates for those discharged or fined were lower than for those given probation orders or sentenced to imprisonment.

Hammond (28) produced a comparison of standard list reconviction rates for all of those dealt with by London Metropolitan Courts in 1957 over a five year follow-up period. He found that, generally, probation achieved poorer results than fining and discharge but that it was marginally more effective than other disposals for those with previous convictions.

From the foregoing it might be concluded that lighter sentences have at least as positive an effect as harsher ones. There are two studies particularly relevant to this research which support such a view. In both cases probation alone was more effective than probation combined with another penalty to produce a 'heavier' sentence.

McClintock (29) compared the reconviction rates of boys (under seventeen years of age) required to attend Attendance Centres with those of boys who had such a sentence combined with a probation order. Of those required only to attend the Centre 34% were reconvicted: of those required to attend the Centre as a condition of a probation order 48% failed. This difference was statistically significant. (Overall 62%

of the boys were free from reconviction or breaches of probation order for a period of two years.)

Similarly, in a study conducted by Davies, (30) a sample on probation were compared with those given a financial penalty along with the order. Davies found that in his sample of 493 probationers aged from seventeen to twenty years of age -

..... the imposition of financial penalties was associated with a higher rather than a lower reconviction rate.

Although there is some evidence that those given lighter sentences have fewer convictions the evidence is far from conclusive. It may be that, for example, certain courts were successful in selecting the best risks, or those most likely to respond to probation (although these factors have not been isolated) and imposing upon them the lighter sentences. Those receiving heavier sentences may have committed the same number, or more, offences if they had not been given such sentences. Bottoms, (31) for example, questioned the efficacy of the fine and pointed out that the case here too is 'not proven'.

Results from other countries are no more helpful. In America Babst and Mannering (32) compared adult male felons on parole and on probation. Probation appeared to be more successful in preventing further convictions with first offenders and equally successful with recidivists. There are, however, particular difficulties in assessing the validity of this study because the criteria of success were not necessarily the same for each group. In each case the judgement was made by the supervising authority (Probation or Parole Department) according to its own standards. G F Davies (33) in a similar study found minimal differences when he correlated probation and parole reconviction rates in two American counties. Kraus (34) using a matched sample in a

comparison of the corrective effects of probation and detention on male juvenile offenders found that recidivism was higher after detention except for those with behavioural problems and for those convicted of taking away vehicles without consent - for these no differences were found. A recent study by the District of Columbia Corrections Department (35) using random allocation found no difference in the reconviction rates of those subjected to community treatment compared with those following a traditional programme of incarceration, release to a halfway house and subsequent parole.

Comparison of Results of Independent Studies

It is also possible to compare the effects of different disposals by comparing the results obtained in separate studies. This is the least satisfactory method; it is beset with difficulties. The studies use different methods, different criteria of success and different follow-up periods. Comparison of results of independent studies can be no more than tentative or indicative.

Mannheim and Wilkins in 1955 (36) followed up seven hundred Borstal trainees for three and a half years. They counted as 'failure' any reconviction other than one which resulted in a fine. The success rate was 55% but a validation over a three year period found only 49% without reconvictions. The Cambridge Department of Criminal Science study on The Effects of Probation (37) found that 31% of the probationers were reconvicted of a standard list offence without about five years. McClintock (38) found a reconviction rate of 38% after two years in a sample of young men who had attended Attendance Centres and of 34% in a sample already convicted for crimes of violence. In 1965 Goodman (39) followed up a sample of boys for one year from the date of their first attendance at an Attendance Centre. He found a 26% failure rate. In a

follow-up study of Borstal boys who had a history of psychological disturbance Gibbens (40) found a failure rate of 53%.

In an interesting study of Borstal boys Bottoms and McClintock (41) compared the reconviction rate, after eighteen months, of boys from a Borstal with a traditional regime with a group treated according to a modified plan. The traditional regime had a failure rate of 59%, the modified regime of 57%.

The results of Community Service Orders, the disposal most akin to probation, are not encouraging. In a study of results in experimental areas (42) it was found that 44% were reconvicted within one year.

The fact that the findings are inconsistent and contradictory emphasises the need for further research but it is clear from them, nevertheless, that no one method stands out from the others as producing the desired results.

Overviews of Research into Subsequent Behaviour

There have been a number of critical evaluations, or overviews, of correctional research. Some probation studies were included in all the works cited but other methods received more attention.

Hood, in 1965, (43) in a review of Research into the Effectiveness of Punishment and Treatment noted that no study had produced conclusive results. Wilkins, (44) in a study of the Effectiveness of Punishment and Other Methods of Treatment, published in 1967, considered especially the relative merits of probation and custodial sentences and found little difference in outcome. Similarly Sparks, (45) in 1968, considered Research on the Use and Effectiveness of Probation, Parole and Measures of Aftercare. He found no differences in subsequent offending behaviour. In 1974 Clarke and Sinclair, (46) in a paper entitled Towards More Effective Treatment Evaluation, reviewed the research field. Referring

both to custodial and non-custodial sentences they concluded -

There is now little reason to believe that any one of the widely used methods of treating offenders is much better at preventing reconviction than any other.

The most recent review of the (mainly British and American) literature (47) which considered 68 studies concluded, as did the others, that research evidence is ambiguous, and that no firm conclusions can be drawn.

American overviews have produced very similar results. Bailey, (48) in 1966, evaluated one hundred reports of correctional outcome. He concluded that none presented conclusive evidence that any treatment method produced the desired results. Greenberg, (49) in 1971, evaluated social programmes. Robison and Smith, (50) in 1971, considered administrative methods and innovations. Marris, (51) in 1971, produced A Correctional Administrator's Guide to the Evaluation of Correctional Programs. He particularly examined differences due to pre-existing factors in probationers and difficulties in crime and justice interventions. In 1972 Logan (52) re-appraised one hundred studies with particular references to the methodologies used in the research (none of which satisfied his seven minimal methodological criteria). Berkowitz, (53) in 1973, reviewed the myriad Californian studies. In none of these did she find evidence of any substantial differences in outcome.

The most famous study of all, that of Lipton, Martinson and Wilks, (54) who in 1975 reviewed and evaluated 231 evaluative studies produced between 1945 and 1967 (22 of which dealt with adult probation) concluded -

..... the addition of isolated 'treatment' elements to a system (probation, imprisonment, parole) in which a given flow of offenders has generated a gross rate of recidivism has very little effect (and in most cases, no effect) in making this rate of recidivism better or worse.

They did note, however -

..... those placed on probation almost inevitably perform better relative to recidivism than those of similar background and criminal history who are placed in prison. This is particularly true of younger first offenders.

but they said that probation placement, without treatment or any intervention, was just as effective as intensive and/or expensive programmes of probation supervision.

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It is better to prevent crimes than to punish them.

Beccaria

Part II

Chapter 2

OTHER RESEARCH RELEVANT TO PROBATION OUTCOME

There is, in criminology, a long history of research attempting to isolate variables correlated with offending. Early workers sought these variables in the hope, if not belief, that they would provide information on the causes of anti-social behaviour which causes could be manipulated to eliminate or ameliorate the anti-social behaviour. Later less ambitious, or perhaps more realistic, researchers sought these variables in order to devise prediction scales which could be used, for example, in determining sentences, or in considering applications for parole. Although many variables have been isolated and investigated none has satisfied the former aim. Most of the variables which have proved persistently to be correlated with re-offending cannot be manipulated and can be used only for prediction/statistical purposes rather than for treatment planning. Different categories of research can be identified.

Research which considered pre-existing characteristics of offenders and of their social and cultural environment

Age, and factors closely associated with it, have frequently been found to be highly correlated with reconviction. Generally, the younger

the offender at first conviction the more likely he will be reconvicted. Numerous 'extended descriptions' of this phenomenon - rather than real explanations of it - have been put forward. It has been called 'desistence' (1) 'spontaneous remission' (2) and 'maturation' (3). The decrease in convictions with age may, however, merely reflect differential police attention or increasingly skilled criminal behaviour rather than difference in behaviour.

It has also been found that those with a higher number of previous convictions are more likely to be reconvicted than those with a lesser number. (4) Long, or lengthening, periods between convictions are also thought to be associated with lower reconviction rates. (5)

Recent research has not, on the whole, borne out earlier findings that unemployment is positively correlated with offending but a relationship between offending and frequent job change has received more support. Wootton, (6) in 1959, found that offenders had twice as many job changes as controls. Simon (7) too, in 1974, noted a high correlation between job changes and offending. Stevenson, (8) in 1973, found no relationship between a criminal record and long term unemployment. She reported -

..... did not find a significant association between criminal record and long term unemployment although there was in the case of frequent unemployment.

It may be that there exists some variable, or variables, which cause offenders to be unemployed or to change employment frequently and that voluntary unemployment, frequent job changes and offending behaviour are due to this/these rather than that the correlation reflects cause.

Social class has also been found to be a correlate of offending and conviction. However, doubt has been cast upon the importance of social class per se in that it may be no more than a concomitant of other

clustering of problems. West and Farrington, (9) for example, found five factors closely associated with delinquency, all of them inter-related and correlated with social class - low family income, large family size, parental criminality, low intelligence and poor parental behaviour. Chamblis, (10) in 1969, produced another kind of explanation. He said that the factors which contributed to the appearance of larger numbers from the lower social classes in the criminal statistics were that they were more closely scrutinized, more likely to be questioned by the police, more likely to be arrested, less likely to be given bail, more likely to come to trial, more likely to be found guilty and more likely to receive harsher punishment than their middle or upper-class counterparts. This seems to be much the same point as was made by Mary Carpenter in 1852. Giving evidence to the Select Committee on Juveniles she answered the question -

Do you consider children convicted of felony or other dishonesty as forming a distinct class of themselves?

in the negative -

No Some thieves, of course, may be considered as absolutely thievish by disposition. I believe that such are to be found in all classes of society. I know that they are found in the highest class, and amongst the labouring poor I know that they are continually found. But then they are treated differently from what they are in the lowest class. They are not exposed to prosecution: those on whom they have committed the theft feel that prosecuting them would place them in a degrading class, and therefore they try by every means in order to avoid doing so; but in this lowest class, the moment a child is detected a thief he is prosecuted. I believe that if the criminal class of the lower part of the population were not placed in the circumstances in which they are, and were not exposed in the manner in which they are now, they would become different. (11)

Research which considers the importance of characteristics of the probation system

There has been some research which suggested that the administration

and organisation of the agency affects the manner in which workers deal with clients. Davies and Knopf in 1973 noted the power of agency practice. In an investigation of Social Enquiries and the Probation Service they said -

In a recent study of time factors in social enquiry work it was found that differences in patterns of working could be ascribed to two variables - the personal working mode of the individual officer and the influence of his local office traditions which appeared to be sufficiently powerful to overcome other factors such as training and the officer's age (12)

Similarly Sinclair, (13) in 1971, in his study of probation hostels considered that absconding was in part related to the hostel regime and to the organisational methods required of it.

There has been much research into the effects of caseload size but most of this has concerned juvenile probation. A recent British study dealing with the effects upon adults of increased contact (IMPACT) found that those subjected to special, intensive 'help' or 'supervision' by workers with small caseloads committed more offences (38.1%) than the control group (33.6%) subjected to ordinary probation supervision. The authors of the report, Folkard, Smith and Smith, noting that this difference was not statistically significant, framed their conclusion in negative terms -

..... the results show no significant differences in one year reconviction rates, therefore producing no evidence to support a general application of more intensive treatment. (14)

American researchers go further. A recent assessment of research findings on the effects of caseload size by the National Institute, Research Center of the Law Enforcement Assistance Administration, concluded -

The evidence indicates that caseload reduction alone does not significantly reduce recidivism among adult probationers. In fact, the expanded supervision appears to increase reconviction rates for adults. (15)

Research which examines the outcome of treatment programmes

As has been shown in the reviews and comparisons of outcome the results of probation are at best uncertain. No British studies into treatment methods of probation workers are available but a number of studies which have investigated the content of 'treatment' by social workers have suggested that it is varied, idiosyncratic, eclectic and of varying degrees of sophistication. Seminal work was undertaken in America. There was, for example, the Cambridge Somerville Youth Study (16) in which no difference was found in the offending rates of treated and control groups of adolescents offered counselling in the community. It was later objected (17) that the type of counselling provided was unsuitable for some of the adolescents in the experiment who were later diagnosed as 'disturbed' and that this mis-treatment caused the poor results. Meyer, Brogatta and Jones (18) studied The Girls at Vocational High and concluded that treatment or therapy in isolation from the family, home and school, had little bearing upon offenders' conduct. They recommended reintegration into nondelinquent activities and institutions rather than 'treatment'. Gibbons, (19) in 1969, said that he found it hard to find any evidence that social workers possessed a body of uniform special knowledge and skills which they applied in treatment. Truax and Carkuff in a review of many eclectic treatments concluded -

..... the therapeutic endeavour is, on the average,
ineffective. (20)

while Fisher, in 1973, more harshly dismissed the effects of casework as -

..... useless or harmful. (21)

There have also been attempts to apply and examine the outcome of particular 'treatment' processes. Again a caveat must be entered. Where a specific treatment process is measured it is often treated as a known, consistent, unitary and homogeneous variable but it is, of course,

impossible to be sure that the content of any treatment is fully described (or understood), that it remained consistent over the period under investigation, or that it can be applied in the same form to other people by other workers in other circumstances. Environmental factors, interpersonal dynamics and time itself, which changes the situation, make this impossible. Further, all experiments run grave dangers of creating, and researchers of measuring, 'Hawthorne Effects' (22) - that is, effects produced by and because of the experimental situation rather than by the treatment itself. The usefulness of many experiments in social science has been questioned because of this difficulty and because of the difficulty of controlling, measuring and controlling for the many possible intervening variables. Sparks, (23), in 1967, in a review of the effects of treatment methods reported that he found only two studies in which treatment factors added to the predictive power of age, number of previous convictions, age at first conviction and type of current offence. Other investigations have produced similar results.

Studies which examine the results of SITUATIONAL HELP provide no more encouraging results. In the IMPACT study in which it was intended -

..... to divert the major emphasis of probation casework away from the office interview between client and officer, towards greater situational involvement in the area of family, work and leisure

it was found, as has been noted, that increased 'intervention' produced poorer results. The difference was sustained over time. Two years later -

..... a similar picture emerged in that there were small non-significant differences in reconviction rates in favour of the control cases.

This supports Davies' earlier finding that -

..... environmental intervention in general as at present practised in the probation service appears to have little effect on the presenting problems or on the client's likelihood of reconviction

and his conclusion -

A policy of non-intervention is not only feasible but as valid as any other approach in the present state of knowledge.

(24)

Research into the effects of different treatments on specified types of clients

Differential effectiveness of treatment - that some treatments help some clients and some help others - was also investigated. An early study, again American, known as the Pico Study, (25) considered the effectiveness of intensive individual therapy on 200 young men in a Californian correctional institution. There was a control group of 200 from the same institution. The adolescents were grouped according to staff assessment of their amenability to individual counselling. Each of these groups was further divided, some being given individual counselling and others conventional treatment. Parole violations during a thirty-three month follow-up period were analysed: the highest success rate was achieved by the 'treated amenable' group, the second highest by the 'untreated non-amenable' and the third best by the 'nontreated amenable'. 'Treated non-amenable' had the lowest success rate. However, the group which did best, the 'treated amenable', had the shortest period of incarceration, and the group which did worst, the 'treated non-amenable' spent the longest period in the institution. The results are, therefore, inconclusive. The 'treated amenable' who did best may have done so because the selection process selected the best risks, or because they spent least time in the institution, and thus had the least treatment, or simply because they were least affected by incarceration itself.

In what developed into the largest study of this kind Grant and Grant (26) hypothesised that offenders with certain degrees of certain personality characteristics (for the measurement of which they devised an Interpersonal Maturity Scale) would respond differently to different types of treatment. Although the results of the initial study were unconvincing work continued and it was subsequently claimed that those with a high degree of interpersonal maturity (defined as ability to visualise self in the role of another, awareness of reasons for behaviour, ability to make and implement plans) responded best to group therapy involving intensive group living and that those with low scores on the Interpersonal Maturity Scale (the immature) responded better to more conventional retraining regimes. The delightful simplicity of these results was unfortunately complicated by the additional finding that the more mature did even better in mixed (all score levels) groups while the less mature improved most when separated from other groups.

The experiments extended over almost twenty years. Numerous reports detailing the increasingly sophisticated Maturity Level scoring systems and treatment methods appeared suggesting that the system was effective. Lerman subsequently cast doubts upon success of the experiments (both the Community Treatment Project - Sacramento-Stockton and the Probation Subsidy Program) pointing out that those in the experimental groups had in fact committed as many or more offences than those in the control groups but that their orders were not revoked (revocation of order being the criterion of failure) because those who were required to initiate such procedures were also the supervising probation officers. Lerman concluded that although the project had no success in changing the behaviour of offenders it was successful in changing the behaviour of workers -

The evidence indicates than when youth behaviour is used as the major criterion of effectiveness California Treatment Project researchers do not empirically demonstrate significant relationships with any of the five factors cited. There is not one example of reliable and valid evidence that youth behaviour is related to -

- 1 matching
- 2 level and ability and perceptiveness of agent
- 3 treatment prescription and individualized programming
- 4 decision making
- 5 work through agent/youth relationships (27)

Scully, who came to the same conclusions, put them more trenchantly -

..... the favourable conclusion reflected manipulation of the data which just stopped short of outright falsification. (28)

While there has been no attempt to replicate the Interpersonal Maturity Scale work in Britain the Home Office has conducted a series of investigations into the effects of matching. In 1976 the Home Office Research Unit reported on an attempt to construct a typology of offenders and of probation treatments and of an investigation into the advantages of allocating different types of offenders to different treatments. Four groups were distinguished. These received individual support, individual control, situational support or situational control. It was found that -

..... there was no evidence that the matched allocation made any difference to three year reconviction rates after a three year follow-up period. (29)

Research into effects of characteristics of the worker

It has been found that there is no significant difference in the results obtained by trained and untrained workers.(30). Explanations of differences in effects have been sought in other characteristics of workers. Carl Rogers, like many others, discounted differential effects of theory or treatment method -

I suspect that each of us would be equally effective if we held quite different theories provided that we believed them. (31)

His work, that of Truax and Carkhuff and others who concluded that the most important determinants of therapy outcome were personal worker characteristics have already been discussed in Part I Chapter 4.

Probably the most sophisticated, and complex, attempt to define those worker characteristics which influenced results, and to assign workers who possessed certain combinations of these to probationers most likely to respond to them was in the California Youth Authority's work which stemmed from the research of Grant and Grant discussed in the previous section. In one attempt five groups of workers were differentiated with respect to -

- (a) various combinations of some twenty-three psychometric scales which relate to personality make-up and professional orientation, and in addition, which relate to -
- (b) many of the 138 individual variables which have entered into the composition of these same scales. (32)

There was in addition individual assessment of workers and consultations with peers and supervisors. Five worker type groups were matched to nine client categories in pragmatically determined combinations. A certain degree of success was claimed but as has already been noted the efficacy of the system (and its many variations) has been put in doubt by a number of researchers. It would seem, however, that whether successful or not, it is too complex, and profligate of resources, to be workable, particularly in Britain.

Evidence of the effects of characteristics of workers is therefore equivocal. While it is agreed that worker characteristics influence outcome it has not yet been determined which characteristics are involved nor have effects and interactions been charted. This is however probably the most important area for research because choice of workers is the most easily controlled variable.

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To be conscious that you are ignorant of the facts is a great
step towards knowledge.

Benjamin Disraeli
(1804 - 1881)

Part III

Chapter 1

BACKGROUND TO THE STUDY

The study was designed in 1973 to answer some pertinent questions raised in the controversy, noted in the Overview, which surrounded probation in the early 1970s and which continues today. These questions were reformulated to form four hypotheses.

The Hypotheses

The most basic question arising from the controversy was whether or not there was any change in the behaviour of those made subject to probation orders in Scotland and England. The hypothesis to test this was stated in the null form -

Hypothesis 1

There are no consistent changes in the behaviour of men made subjects of probation orders after one year on probation.

It was shown in the review of the literature that there is little evidence that any probation system reduces reconviction rates but many proponents would argue that reconviction rates alone are too narrow a measure upon which to make assessment. They suggest that probation produces other benefits for the probationer and for society. This research attempted to supplement existing knowledge on this. It first

repeated previous work on probationer reconviction rates with Scottish and English cohorts in order to ascertain the positions today and to establish that the cohorts were comparable and unexceptional in terms of reconviction rates. Secondly, other changes were measured using the same cohorts. Because it could be argued either that the other changes existed only in association with reduced reconviction rate, or associated with an increased reconviction rate, or independently, both reconviction rates and certain behaviour were measured by a battery of tests so that any consistencies or inconsistencies over a wide spectrum of probationer behaviour could be examined. Reasons for the inclusion of each of the measures and the methods employed in measurement are discussed in Part III Chapters 3 and 4.

Because some researchers have suggested that differences in organisation and administration of probation work produce different effects in probationers and because it was frequently claimed by experienced workers that probation in Scotland suffered from inclusion in the Social Work Departments changes in the behaviour of probationers in Scotland and England were compared.

Hypothesis 2

There are no differences between Scotland and England in changes in behaviour of male probationers in any of the areas delineated after one year on probation.

In an attempt to build a new theory which might account for differential outcome it was then hypothesised that there exist certain ORIENTATIONS in probation work. Support for this concept and the derivation of these ORIENTATIONS was given in Part I Chapter 4.

Hypothesis 3

Probation workers have certain ORIENTATIONS in probation work which can be expressed on a continuum between JUDICIAL and CLINICAL ORIENTATIONS.

It was then hypothesised that there was a correlation between worker ORIENTATION and changes in probationer behaviour -

Hypothesis 4

Worker ORIENTATIONS are differentially correlated with changes in probationer behaviour.

Length of Time Covered

The study was restricted to examining changes in probationer behaviour over one year from the date the order was made. As one year was the minimum length of a probation order all probationers were expected to be under supervision for at least this period. It is not suggested that one year is the optimum follow-up period: the design allows for subsequent examinations and it is hoped that it will be possible to follow-up the probationers, or at least their offence records, after three or five years. As has been shown in the review of the literature one year follow-up studies have been made. Commenting on this Brody, in a review of correctional research, said that a short follow-up study gave a fair indication of future behaviour but drew attention to a possible anomaly in using the period of the probation order as part of the follow-up period -

It may not be sufficient, however, in those studies of probationers or parolees where the follow-up period starts from the time the offender is released into the community and thus includes, entirely or partly, the time he is under supervision. This is rather like counting as a failure any misdemeanour committed while an offender is still in prison. (1)

The objection that the time scale is too short has less force when considering the subjective and psychological tests used to measure other changes. These tests seek to establish the position at the time of the test, that is, at the end of one year, and must be distinguished from the reconviction and re-offending measures which are retrospective to and cumulative from the beginning of the order.

It is of course arguable whether one year is long enough for effects of 'treatment' to appear. Traditionally psychoanalysts have believed that long term treatment is necessary but more recently workers have highlighted the necessity, and advantages, of methods of intervention which produce perhaps limited effects within a short period. Crisis intervention and short-term casework are examples of this. Further, a period of greater than one year might make the implicit connection between treatment given and behaviour change more tenuous, as the increased time lag would allow greater interaction with other influences, and the effect of time itself.

Although it was the stringency of a Social Science Research Council grant, and not methodological considerations, which dictated the length of the follow-up period there is evidence that study over one year is useful. Most re-offending occurs soon after conviction. In the Cambridge Study (2) it was found that the failure rate during the currency of the order was greater than that during the subsequent three years. The overall failure rate over the probation period plus three years (a total of between four and six years) was 26.2%, 15.7% of which occurred while the order was in force. Of the 81% of the men who satisfactorily completed the term of the order 88% of these were not reconvicted of an indictable offence within the following three years. Of these reconvicted it was found that -

..... as many as six in ten of the failures occurred during the period of supervision and this was largely due to the fact that the offender had committed a further offence.

Further, it was found that -

..... many of the failures during probation occurred in the early stages

25% within three months and 50% within six months.

Hammond, (3) in 1969, found that 50% of probationers who committed further standard list offences during the five year follow-up period after conviction did so within the first year, 70% within two years, 80-85% within three years and 95% within four years. Doubling the number of failures during the first year would, therefore, give an indication of the numbers likely to fail within five years.

Similarly Simon (4) taking a three year follow-up period found that 53% of recidivists were reconvicted within the first year. She, like Hammond, included only standard list offences. Studies of other types of disposals have produced similar results. Mannheim and Wilkins, in 1955, found that while -

..... three to four years after release about 80% of Borstal boys who will ever fail will have failed, that after one year only about half of the eventual failures will have failed. (5)

Mannheim and Wilkins suggested that the failure rate for one year should be multiplied by 1.7 to give a probable three year reconviction rate.

McClintock (6) considering the records of offenders given any sentence when under twenty-one years of age, found that 77% of those reconvicted within five years were in fact reconvicted within the first two years. In another study of boys released from Detention Centres McClintock (7) found that 75% of those who were convicted within five years were in fact convicted in the first year.

Although it must be borne in mind that the reconviction rates examined here are those incurred during a 'treatment' period and cannot therefore, be used as a measure of the 'effect' of that treatment, and that strictly this must preclude comparison with the 'effects' of other disposals where the treatment period is not included, they are useful in themselves and as indicators that, roughly speaking, about half of

those who will commit a further standard list offence within a five year period will be reconvicted during the first year after conviction. It seems likely therefore that a substantial proportion of those who commit any further offences will do so in the first year.

Timing of the Study

When this study began in the spring of 1974 the new Scottish Social Work Departments had been in existence for over four years and, therefore, had had a reasonable time in which to overcome teething troubles, to implement administrative procedures and to familiarise staff with their new duties. Another disruption - regionalisation - affected both countries, England in spring 1974 and Scotland in spring 1975. The English Probation Areas were reduced in number from 77 to 58 in April 1974. In Scotland social work, including probation, became a regional responsibility, the number of authorities administering the service being reduced to 10. The effects of regionalisation were probably more severe in Scotland, where the Social Work Departments are an integral part of the local government structure, than in England where the Probation and After-Care Service's autonomy perhaps shielded them from the worst of the upheaval.

These administrative changes meant that during the period in which the worker and first probationer interviews took place the English areas were recovering from re-organisation while the Scottish areas were preparing for it.

Criteria for selection of areas

A number of criteria were employed in selecting the areas in which to conduct the study. Each area had to have a population large enough to provide a sample of sufficient size yet small enough, with a compact

population distribution and good transport facilities, for the interviewing to be carried out by one person within a reasonable time. Each area had to be representative of its country as a whole in order that general conclusions could be drawn and in addition the areas from each country had to be roughly matched in order to reduce the possibility that any differences in the results of probation were due to differences in the environment of the individual areas. It would be unrealistic, for example, to compare the effects of probation in a very deprived area with the effects in an affluent one. Areas were sought, therefore, which had a large population within a small geographical area, were as typical as possible for the country, had a representative share of environmental problems and were roughly matched on as many demographic features as possible.

Regionalisation increased the practical problems in searching for matching areas. Decisions had to be made in 1973 when only part of the 1971 census material was available and there existed only projected and tentative figures for the new regions. There was in addition that well-known irritation that different government agencies collect figures on different geographical area bases and that there are differences in collation and statistical methods. The Census Department and the Department of the Environment, for example, calculate unemployment figures in different ways and so produce different results.

Selection of Scottish and English Areas

That the areas in which the survey was made be typical of their country and demographically matched were seen as equally important criteria but unfortunately these proved incompatible. Moser and Scott, in their book British Towns said that it was unrealistic to attempt

to compare Scottish and English towns -

The Scottish towns occupy a relatively low place in the hierarchy of towns, ranked according to social class, because of their poor housing conditions. (8)

In view of the time which had elapsed since this study one of these authors, Professor Sir Claus Moser, was consulted and on his recommendation Mrs Ruth Glass of the Centre for Urban Studies at the London School of Economics. Both said that they felt that such was still the case but neither knew of any further or intended work on the subject.

More recent support for the view that Scotland and England are unequally endowed materially was given by Holtermann in her study on Census Indicators for Urban Deprivation which showed that conditions in Scotland, particularly on Clydeside, are much worse than those in most English areas. (Holtermann's figures deal with the pre-regionalisation areas.) She concluded -

The purpose of this report was to examine what Census information can show about the extent and location of areas of urban deprivation in Great Britain, so as to set the problems of particular cities within the national context. It turns out that when viewed from this perspective the national picture is dominated by Scotland, whose cities, particularly Clydeside, apparently contain areas of severe urban deprivation on a scale not matched in England and Wales. (9)

It had to be accepted, therefore, that attempts at 'matching' the Scottish and English areas, desirable in order to ensure that environmental conditions did not account for a disproportionate amount of any variance found in the comparison of probation outcome, would mean that the English areas could not be truly representative of England as a whole. The English areas would, of necessity, be more deprived than England as a whole in order to more nearly 'match' the lower standards in Scotland.

In Scotland the only areas with sufficiently large populations were the 'old' counties of cities. Three of these, Glasgow, Edinburgh and Aberdeen, were chosen, with the fourth, Dundee, being used for the pilot study. Four-fifths of Scotland's population lives within these urban areas. It was considered that the small gains in accuracy and representativeness which might be produced by including respondents from the widely scattered rural communities which usually generate fewer convictions and fewer probation orders would not have justified the extra cost in time and money which would have been involved.

Because regionalisation was already complete in England it was necessary to draw the English samples from the 'new' metropolitan counties. Areas which reflected some of the important characteristics of the Scottish cities were sought. There were constraints. The Home Office Research Unit was engaged on probation research in Sheffield, Liverpool, some Inner London boroughs, Dorset and Staffordshire (The Intensive Matched Probation and After-Care Treatment Experiment). Researchers from Leicester University were working in Coventry, Leicester, Leicestershire, Northamptonshire, Nottinghamshire and Warwickshire. It was considered unwise to attempt to work in areas already subject to investigation or experiment (and in any case unlikely to be permitted) because of the risk of one piece of research influencing or contaminating the results of the other. Also excluded were the other Inner London boroughs because of their unusual population composition and constellations of problems not found to any great extent in other areas of Scotland or England. The south-east of England was excluded because of its greater prosperity.

The English areas finally chosen, the metropolitan counties of West Yorkshire and Cleveland, had sufficiently large and compact urban

populations (with the necessary transport facilities) and similar although not so severe environmental problems as the Scottish areas.

Comparison of Demographic and Environmental Characteristics

Comparison of demographic and environmental characteristics has to be made on a regional basis due to lack of comparable information for the areas selected. Great Britain is divided into ten regions. Scotland, a complete and separate region, provides figures which are only a guide, for the purposes of this research, because it is impossible to exclude the almost one-quarter of the population who live in rural areas and in the city of Dundee. Generally rural areas have lower wages and poorer facilities than urban areas and so it might be expected that if it were possible to exclude these areas the standards would be marginally higher, and the areas under study more nearly equivalent.

In England West Yorkshire is part of the Yorkshire and Humberside Region. Geographically it occupies about one-sixth of that region but is an urban conurbation housing 45% of the employed population. It seems reasonably representative of the area and the regional statistics can be accepted as reflecting a meaningful picture of it. The final area, Cleveland, is only a small part of the North Region but is also reasonable representative, particularly of the urban areas.

When certain social indicators from these three regions, Scotland, Yorkshire and Humberside and North, are compared (Table 3.1.1) it is seen that they are all below average on most measures and frequently hold adjacent positions in a 'league' of British regions. The two English areas have conditions closer to those obtaining in Scotland than any other English regions. For example, from a comparison of average gross weekly earnings it can be seen that these regions have

poorer earnings than the British average, as does Scotland. Similarly, they have higher than average unemployment, although Yorkshire and Humberside is substantially better than North and Scotland which have equally high unemployment and are the worst in Great Britain.

For purposes of comparison at a more local level, that of the metropolitan counties, it is fortunate that the old and new West Yorkshire boundaries almost co-incide, the main changes being the removal of one town, Doncaster, and some smaller country towns from the county. The old area of Teeside too corresponds reasonably well with that of the new Cleveland, the main change being the inclusion of the town of Hartlepool. Overall these changes had the effect of making both these English counties rather more urban than previously and therefore more like the Scottish areas. Some key indicators for the selected areas are compared in Table 3.1.2. Further information is found in Holtermann's survey. In this satisfactory conditions were defined -

The standard adopted includes the exclusive use of all basic amenities - hot water, fixed bath and inside WC: the occupation of enough housing space so that each household is living at less than 1.5 persons per room: the possession of a job by all those who said on the Census day that they would like to have one.

Standards lower than this were considered 'deprived'. Holtermann produced frequency distributions for each indicator of deprivation and noted the enumeration districts which fell into the poorest 1%, 5%, 10% and in some cases 15% of the country. She found that -

..... the most striking feature is that Scotland as a whole, and Clydeside within it, have very much more than their 'fair share' of deprived areas on nearly all kinds of deprivation. This is true for both the 5% and the 1% worst, but it is particularly noticeable at the 1% level.

Holtermann made a summary of 'Local Authorities with ten or more

enumeration districts in the overlap of the worst 15% on overcrowding, lacking exclusive use of all basic amenities and male unemployment'. This was expressed as 'the percentage of the population of the area who are deprived' that is, the percentage of the population of any area living in conditions which could be described as the poorest in Britain. See Table 3.1.3. These ranged from Haringey, the least poor of the poorest, with 1.5% of the population living in such conditions, to Glasgow, the poorest of the poorest, where 18.9% of the population lived in such conditions. Bradford and Leeds, containing about two-thirds of the population of West Yorkshire, were in the 'deprivation index': Bradford had 11% of its population, and Leeds 2.9%, living in these unsatisfactory conditions. Teeside too was included with 3.1% living in poor conditions. In Scotland Edinburgh, with 5.8%, and Glasgow, with 18.9%, were included. Of the areas in the study only Aberdeen escaped mention.

	% of pop 'deprived'
Aberdeen	-
Edinburgh	5.8%
Glasgow	18.9%
Teeside (Cleveland)	3.1%
Bradford (West Yorks)	11.0%
Leeds (West Yorks)	2.9%

It will be noted that more than twice as many of the Scottish sample live in areas with 'the poorest' conditions. In addition to this deprivation Scotland lacked social work provision. It can be seen from Table 3.1.4 that while Aberdeen had a deficit, according to the Social Work Services Group/British Association of Social

Workers' recommendation of one social worker for every 2,500/3,000 of population, Edinburgh had a deficit of 38 workers and Glasgow a deficit of 162. Cleveland appeared to have over-provision to the tune of 90 social workers in addition to having 60 probation officers while West Yorkshire, although it had an apparent deficit of 103 social workers, had 180 probation officers.

From this it can be concluded that no area in England is as 'deprived' and underprivileged as most of Scotland and that the areas chosen represent poorer English but average Scottish areas. These areas are therefore roughly 'matched' in that they have poor, and similar, environmental characteristics.

Comparison of Criminal Statistics

Comparison of crime in Scotland and England is beset with problems. Lodge (10) commenting in 1956 on the difficulties of comparison suggested that these were so great that trends should be compared rather than actual figures. Shields and Duncan (11) in 1964 agreed upon the impossibility of comparing individual categories of crime and noted -

..... there is an extraordinary similarity in English and Scottish criminal trends.

Recent legislation has compounded the problem. As was pointed out by the Central Statistical Office in the Annual Abstract of Statistics in 1974 -

There are differences in the legal and judicial systems of England and Wales and Scotland and Northern Ireland which makes it impossible to provide tables covering the United Kingdom as a whole. ...These differences concern the classification of offences, the meanings of certain terms used in the statistics and the effects of several Criminal Justice Acts.

In particular -

As a result of the (English) Theft Act 1968 any attempt at comparison is completely invalidated. The Theft Act redefined theft and incorporated virtually all offences of larceny, breaking and entering, robbery, embezzlement and fraudulent conversion. In addition to redefining existing indictable offences the Act increased the number of indictable offences by the inclusion of 'taking a motor vehicle without authority' and certain offences of stealing.

Differences in the definition of 'crime' and in recording practices (discussed more fully in Part III Chapter 4) makes comparison of even overall conviction figures unsatisfactory. It is generally agreed, however, that there are more convictions per head of population in Scotland than in England and that most of these are in the urban areas. This is borne out in the table shown below.

The English areas in the survey have rather higher conviction rates per head of population than England as a whole and may be nearer the Scottish urban pattern than might be a typical English area.

1974 figures	Infringements of law reported	Offences per 100,000
Aberdeen	22,343	12,440
Edinburgh	51,298	12,740
Glasgow	114,740	14,060
Scotland	538,791	10,300
Teeside	78,393	13,860
West Yorkshire	19,205	10,601
England & Wales (not including criminal damage under £20 and some other categories)	1,963,360	3,990

As can be seen from Table 3.1.5 Scottish courts consistently make less use of probation. In England twenty times more people are subject to probation orders although the population is only ten times greater.

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Knowledge comes from observation, not from quoting authority.

Leonardo da Vinci

Part III

Chapter 2

THE DESIGN OF THE STUDY AND COLLECTION OF DATA

The study was designed to test the four hypotheses set out in Part III Chapter 1. Information necessary for testing these was collected by questionnaires. Three questionnaires were used, one for workers and two for probationers, one of these administered at the beginning of the probation period and the second after one year on probation. The design of the study is shown diagrammatically in Table 3.2.1. Arrows indicate the direction of flow of data.

Sample Size

In order to decide the sample size required for a survey it is necessary to specify the degree of precision required (that is, how large a standard error can be tolerated for the estimate of a parameter of interest or how small a difference between the parameters estimated for two groups can be considered negligible). It is also necessary to have some idea (however rough) of the values and distribution of those parameters. However, many statistical tests depend on assumptions such as normality or homogeneity of variances. It seems unlikely that such assumptions could be satisfied for all variables in the present study, but with relatively small numbers it is impossible to examine fully whether they hold.

Even if it were possible to draw a random sample and to be reasonably sure that the statistical assumptions held to a satisfactory extent large sample sizes would be required to be sure of detecting moderate differences between values. If, for example, it were desired to be 90% sure of detecting a difference between the values of some percentage value, if that difference were in fact at least 4% (that is, 52% of cases in England had the attribute, 48% in Scotland for example) then it would be necessary to draw samples of about 850 in each country. It is obvious that such criteria could not be met within the physical and financial constraints of this study. It was necessary to accept a lower precision, or to increase the danger that real differences would be hidden by chance variations. Supporting the practice of taking small samples Nunnally wrote -

A chain of small studies, each elaborating and modifying the hypotheses and procedures, can eventually lead to a good understanding of a domain of behaviour. (1)

Clarke and Sinclair put forward a similar view -

Instead (of large studies based on a single design and directed to answering only very few questions) research enquiries will need to take the form of a series of small scale studies focussed on particular aspects of the treatment process. Successive stages of research will be built on what has been learned earlier, hypotheses will be formulated and tested, and gradually a valid theory will evolve. (2)

(This study does not, of course, study a 'treatment process' but considers other possible influences on outcome.)

Siegel (3) suggested that a sample of 100 gives accuracy within one standard deviation (in a normal distribution with random sampling) and that the reduction in accuracy achieved with a sample of 50 is small. After careful consideration of the technical arguments (4)

and in the light of physical constraints (it was necessary to interview all probationers in as short a time as possible to reduce the chances of change in social conditions etc causing more variation than necessary in the conditions experienced by probationers in the samples - for example, over the period of the study the national unemployment rate was increasing) it was decided to attempt to collect a sample of 100 probationers in each country even although it was likely that this would produce a subsample of 50 probationer/worker dyads for testing the fourth hypothesis.

Collection and utilization of data

It was decided that information could most effectively be collected by questionnaires. Three questionnaires were employed, one for workers and two for probationers, one administered at the beginning of the probation period and the second after one year. The two probationer questionnaires were used to measure changes in certain variables recognised as being related to the perceived aims of probation workers which were discussed in Part I Chapter 3.

The Worker Questionnaire

The Worker Questionnaire is shown in Table 3.2.3. It was designed to collect information which could be utilized at each of the levels of investigation discussed in the Overview and to allow testing of the hypotheses stated in Part III Chapter 1. It was constructed in sections: these will be described but owing to limitations of space it is not possible to discuss each question in detail.

In the first section background information was requested. Workers were asked their ages, sex, number of years' experience, social/probation work experience, length and type of training, types of agencies in which previously employed, number of cases and number of probation

cases held. This allowed the background characteristics of the worker sample to be compared with worker population parameters (as far as these were known) and allowed assessment of the representativeness of the sample so that the validity of generalizing from the findings could be assessed. It also allowed examination of the correlation of each variable with subsequent probationer behaviour in order to determine any possible relationship.

In the second section workers were asked to state work type preferences least preference for a particular type or area of work, either because of special aptitude for it, exceptional skill or increased attention, might in itself be correlated with subsequent probationer behaviour. Areas of least preference were also requested in order that any association could be examined.

In the next section workers were asked to rank guidelines used in probation work. These guidelines are ones frequently discussed in social work literature. They were included to allow investigation of their relationship with the EMPHASES and assessment of relationship with subsequent probationer behaviour. (5)

The most important section of the questionnaire, that on EMPHASES, was derived from the material discussed at length in Part I Chapter 2. The measurement of EMPHASES, their use as indicators of ORIENTATION and the measure constructed to express this are discussed in detail in Part III Chapters 3, 4 and 5. This section formed the basis upon which to test the third and fourth hypotheses.

The final question asking which agencies workers were previously employed in, which logically belongs in the first section but was placed here in order to provide an easy and innocuous final question, was included to allow identification of workers who had previously

worked in the Scottish Probation Service in order that it could be ascertained whether these previously-specialised workers' probationers' subsequent behaviour was more positive than that of other probationers.

Because attitude may be an influential factor in work with probationers workers attitudes, in their own lives, to WORK, LAW AND AUTHORITY and PROBATION were sought in order that correlation of any scores with more positive probationer behaviour could be seen. The reasons for the choice of the Osgood Semantic Differential to measure attitude, and the construction of the scales employed, is discussed in detail in Part III Chapters 4 and 5. Worker's SELF CONCEPT was also measured using the Osgood Semantic Differential. This is discussed in detail in Part III Chapters 4 and 5. It was included to allow examination of any relationship between worker SELF CONCEPT and subsequent probationer behaviour.

The Probationer Questionnaire

Background information on the probationers was collected by the questionnaire shown as Table 3.2.4. This was carefully constructed to encourage participation by alternating innocuous, sensitive and ego-boosting questions and to produce an answering 'set'. Each probationer was asked his age, marital status, number of children supported, for details about his work patterns, living arrangements, the offence/s for which he was on probation, his probation order, and about previous convictions and undetected offences. Probationers were also asked to complete the Osgood Semantic Differential and the Heimler Scale of Social Functioning. These tests are discussed in Part III Chapter 5. Probationers were asked too for their perceptions and expectations of probation and for suggestions for improving the system. The general information was necessary in order to compare the sample

with the population and to allow testing for significant differences between Scottish and English probationers which might contaminate the comparison of Scottish and English outcome. This is summarised in Table 3.2.2.

For the probationer questionnaire a multi-trait-multimethod matrix (6) would have been ideal; this allows simultaneous examination of reliability and convergent and discriminant validity by the measurement of a number of traits by at least two methods. Although a perfect matrix was not achieved an approximation was; the design might better be described as a multi-indicator (7) or as an 'index' defined as 'a combination of several indicators in one measurement' by Lazarfield and Rozenberg. (8) Where possible each item or area of information sought was covered by two methods or by two approaches in order that inconsistencies could be probed and eliminated. For example, discrepancies between answers given or implied in the Heimler Scale of Social Functioning (which was administered first) and those given to factual questions in the questionnaire itself were easily seen. It was felt that whatever its imperfections this construction, which involved overlapping questions to facilitate elimination of inconsistencies, detect deliberate falsification and provide certain checks during the interview had greater strengths than a collection of independent and unrelated measures. In addition to the internal checks the information on convictions was, unknown to probationers, checked against police records.

Follow-Up Questionnaire for Probationers

Because measurement of change in probationers was intended a 'before and after' design was necessary. The Follow-Up Questionnaire for Probationers (shown as Table 3.2.5) repeated the pattern of the first probationer questionnaire. Probationers were reinterviewed one year

Length of Interviews

It was considered important that the total length of time occupied by interviews should not be more than one hour each. In the case of workers this was felt to be the greatest amount of time which could reasonably be requested. In the case of probationers it was felt also that one hour was the average period for which attention could be held and concentration expected.

Possible Effects of the Research Method on Results

There has been much research upon the effects of anonymity upon the accuracy of responses to research questions and on the influence of the researcher. Although in general differences in responses in anonymous and non-anonymous conditions are not great it would seem that response accuracy is context dependent in that more accurate responses are achieved on sensitive subjects if questionnaires are anonymous. In an early paper Corey (9) investigated cheating by students. He found a correlation of .85 between signed and unsigned papers. Fischer (10) found that the mean number of problems confessed by students did not vary from unsigned to signed questionnaires but that the mean seriousness increased in anonymous conditions. Ash and Abramson (11) also found no difference in signed and unsigned questionnaires soliciting opinion on racial prejudice. A more recent paper by Kulik, Stein and Sarbin (12) found a correlation of .98 between responses in the anonymous and non-anonymous condition but 10% higher reporting of thefts in the anonymous condition. Although the difference was statistically significant Kulik, Stein and Sarbin considered it insufficient to make any difference for research purposes. The rank ordering of the subjects (high school boys) according to the number of offences admitted remained unchanged.

It was concluded from this and much similar research that the nearer

to anonymous conditions which could be provided the more accurate would be the responses. Although probationers could not be guaranteed complete anonymity (because their responses were made to the researcher) it was stressed that all information would be treated as confidential and that no probationer would be identifiable in the final report. It was explained that each questionnaire was distinguished only by number and that only the researcher held a record of both name and number, and that all data would be transferred to punch cards on which names would not be recorded. Anonymous worker questionnaires were accepted.

Interview Style

Frequently subjects are anxious to help researchers and to tell them what they want to know. They assimilate verbal and non-verbal clues on the expected and/or desired responses and provide this information, even if it has little relationship with truth. Hoffman (13) for example, showed that a friendly interview technique tended to elicit more positive responses. Krohm, Waldo and Chiricos (14) found that a 'hip' interviewer received a greater percentage of delinquency admissions than a 'straight' interviewer. Similarly Belson, Millerson and Didcott (15) pointed out the dangers of pressurising offenders to remember offences because this led them to 'remember' offences they did not in fact commit. They suggested that a neutral attitude be adopted in order that subjects were not so highly rewarded for 'confessions' that they make up more. Because of the sensitivity of the subject matter, and perhaps of the subjects, a rather more friendly than neutral demeanour was adopted but care was taken to make a neutral response to answers to questions.

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When you can measure what you are speaking about and express it in numbers you can know something about it, but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meagre and unsatisfactory kind.

Lord Kelvin

Quoted on frontispiece of Tables for Statisticians London 1958

Part III

Chapter 3

THE MEASUREMENT OF ORIENTATION

The concept of ORIENTATION and its utility was set out in Part I Chapter 4. In order to make use of this concept it was necessary to devise a scale and a system of measurement. Classification of ORIENTATION was based upon responses to the question on EMPHASES, Question 13 in the Worker Questionnaire. Explanations, derivations and definitions of these EMPHASES were given in Part I, Chapter 3. Of the seven EMPHASES isolated three (DETERRENCE, SOCIAL CONTROL and MORAL IMPROVEMENT) were deemed to indicate a JUDICIAL ORIENTATION, three (EMOTIONAL HELP, PSYCHOLOGICAL TREATMENT and SITUATIONAL HELP) a CLINICAL ORIENTATION; one (PRACTICAL HELP) was considered neutral it being judged a possible adjunct to both ORIENTATIONS in addition to being a valid aim or EMPHASIS in its own right. The problems of measurement and analysis engendered by the inclusion of PRACTICAL HELP as a multi-faceted EMPHASIS were appreciated but in the interests of accuracy and realism it was included.

The EMPHASES of the third evolutionary phase, SITUATIONAL HELP - the STRONG and RADICAL forms - were included in the CLINICAL ORIENTATION although it could be argued that they are so different from the others

that they represent the beginning of another ORIENTATION, perhaps the SOCIETAL or POLITICAL ORIENTATION, but they were included because, in work with the individual probationer, they represent a basically determinist conception although the determinants are seen in society rather than within the individual. Further, the study examined the ORIENTATION of individual workers in work with individual probationers not ORIENTATION to the community as a whole or society's problems as a whole.

ORIENTATION Classification

Various methods of collating the choices of EMPHASES to reflect the ORIENTATIONS and the strengths of these were considered. It is possible to construct a scale based on combinations of the two or three EMPHASES given the highest priority by the worker, but basing the scale on only the strongest EMPHASES would tend to produce an unrealistic dichotomy of ORIENTATION instead of expressing a balance. A scale based on the ranking of too many EMPHASES, on the other hand, might have forced workers to give priorities to EMPHASES for which they had only a weak or non-existent preference. A scale based on the ranking of the four EMPHASES given highest priority was therefore used. This allowed enough combinations of EMPHASES to give the degrees of measurement required to describe the continuum of ORIENTATIONS.

Strength of ORIENTATION might have been determined by grading the EMPHASES. Deterrence, for example, might have been deemed to signify greater support for the demands of society over the needs of the individual than, say Moral Improvement. Such a grading of EMPHASES would, however, be impossible to justify and difficult to measure. Instead it was decided to measure the strength of ORIENTATION by using

the rankings workers gave to their first four EMPHASES. The first EMPHASIS chosen was given a weighting of four, the second a weighting of three, the third a weighting of two and the fourth a weighting of one. Workers' JUDICIAL and CLINICAL 'scores' were added and whichever was the higher determined the worker's ORIENTATION. The neutral EMPHASIS (PRACTICAL HELP) was given a value of zero no matter where it occurred. For example -

<u>EMPHASIS</u>	<u>Category</u>	<u>Worker Ranking</u>	<u>Weight</u>	<u>Score</u>	
				<u>Judicial</u>	<u>Clinical</u>
Emotional Help	Clinical	1	4	-	4
Situational Help	Clinical	2	3	-	3
Deterrence	Judicial	3	2	2	-
Practical Help	Neutral	4	0*	$\frac{-}{2}$	$\frac{-}{7}$

* The fourth ranked EMPHASIS would have had a weighting of 1 but because PRACTICAL HELP always has a value of zero the score is always zero.

WORKER ORIENTATION = CLINICAL Strength of ORIENTATION = 7

It might be argued that the system of measurement should take more positive account of the 'minority' EMPHASES. This could be done by subtracting the weightings of these EMPHASES from the 'majority' EMPHASIS. In the above example this would reduce the CLINICAL ORIENTATION strength to five. The system used takes account of these conflicting EMPHASES in that their selection by the worker prevents EMPHASES congruent with the dominant ORIENTATION occupying the weighted positions and thus reduces ORIENTATION strength. It is felt that the system of measurement adopted more accurately reflected the relationship of EMPHASIS to ORIENTATION. (In fact both systems were tested and it was found that the system adopted made little difference to the numbers in each class - - see below.)

The workers' ORIENTATION scores were grouped in three classes, called DEGREES of ORIENTATION.

Degree_1_

Where the total score of either the JUDICIAL or CLINICAL choices was 7 or more the worker was deemed to have a strong ORIENTATION and was placed in DEGREE 1 of the appropriate ORIENTATION.

Degree_2_

Those with a score of 5 - 6 were considered to have an intermediate strength of ORIENTATION and were placed in Degree 3 of the appropriate ORIENTATION.

Degree_3_

Workers whose score for both ORIENTATIONS was 5 or less were placed in Degree 3 of the ORIENTATION with the higher score. Degree 3 was considered to be a very weak ORIENTATION.

It was intended that DEGREES of ORIENTATION reflect a continuum of opinion likely to be found in the general population and it is assumed/hoped that if the population could be tested a broad spread would be found. It was not possible to test this assumption thoroughly (although of course in an ideal situation with sufficient resources this would have been done) but in a small pilot exercise covering people who were not social workers this was found to be the case. In another small test with police officers a preponderance of JUDICIAL ORIENTATIONS was found.

It will be noted that the DEGREES of ORIENTATION contain different numbers of possible patternings of responses, the first degrees allowing for nine, the second for nine, and the third for five, and that each of these allows a different number of possible permutations, the first

degrees having 114, the second 198 and the third 108. This scoring system is shown diagrammatically in Table 3.3.1. It was hoped that this division would more finely divide the central values in the distribution.

If the matter is one that can be settled by observation make the observation yourself. Aristotle could have avoided the mistake of thinking that women have fewer teeth than men by the simple device of asking Mrs Aristotle to keep her mouth open while he counted. He did not do so because he thought he knew. Thinking you know a thing when in fact you don't is a fatal mistake to which we are all prone.

Bertrand Russell

Part III

Chapter 4

THE MEASURES OF CHANGE IN PROBATIONERS

Earlier chapters illustrated and discussed the different EMPHASES in probation work. Because of these different perceptions of the purposes of probation there can be no single agreed criterion of success. It would be a mistake to measure changes in probationer behaviour using only one indicator such as reconviction when there is no universal agreement that a change in this constitutes success or should even be sought. For this reason it was necessary to select several measures of change in probationer behaviour. Each of the differing purposes which have been identified are catered for in the selection of measurements.

The Problem of Specifying Relevant Criteria

It is clear that different perceptions of the proper aims or EMPHASES in probation have co-existed and this has given rise to much of the confusion and many of the disputes upon its effectiveness, those with DETERRENT intent, for example, judging it by reconviction rates (and finding it wanting) thus disagreeing with those with practical or therapeutic intent who (sometimes) claim success, and thus champion the system.

The Home Office Research Unit faced the problem of specifying

relevant criteria of success in its IMPACT study. -

During the course of the project the question of criteria for evaluating the results of the experiment had been raised on numerous occasions. It was thought that this was the opportunity for everyone to look at this problem in a more focussed way than had sometimes been the case. Probably the most interesting thing to emerge was that the majority of those replying thought of evaluation in terms of personality changes in the client, while a small minority thought that IMPACT should be evaluated in terms of the extent to which new ideas and methods of working generated in the project are generally accepted by the Probation and After-Care Service.

In spite of this acknowledgement that the majority involved in the IMPACT project favoured measurement of 'personality change in the client' as the criterion of success the traditional method of measurement by reconviction rates was adopted. If the workers involved in the experiment considered that 'personality change' was the most relevant criterion it seems likely that it was their intent to effect such change and therefore both unjust and misleading to measure their effectiveness on another scale, that of reconviction. Brody discussed this point -

While from a practical standpoint an offender's subsequent criminal record provides the most immediately useful and pertinent criteria for evaluating success and failure it has many practical and conceptual limitations. It is desirable to look at other aspects of the criminal record than simply reconviction, to evaluate qualitative as well as quantitative differences between samples. Other criteria of success have not so far proved very satisfactory but this question warrants further study. (1)

Reasons for the selection of the methods and measurements used in this study are discussed in the following sections.

Reconviction

The most commonly used criterion of success of any disposal is reduction in reconviction rates. Some would go so far as to argue that reconviction rates are the only valid criterion. Wilkins, for example, said -

If the treatment does not reduce the probability of recidivism then it cannot be classified as a treatment. (2)

Hood, agreeing in principle, accepted certain sub-goals as instrumental in attaining reduced offending -

Treatment is not given simply to make the offender a 'better person', simply on the ground of humanity but because it is considered that if he is a better person - in work habits, leisure pursuits and personal relationships etc - he will be less likely to offend again. The acid test is his ability to 'go straight'. (3)

Reconviction rates are of course an incomplete measurement of offending behaviour but they have been found to provide a reasonable reflection of actual behaviour. West and Farrington stated that their study -

..... showed that official reconvictions realistically identified the worst behaved boys. The scale of official delinquency, based on police records and the number of convictions, correlated satisfactorily with admissions of delinquent acts by the boys themselves. In addition, the official scale was closely related to assessments of troublesome behaviour derived from observations of teachers and opinions of classmates. Moreover, when a delinquency scale based solely on the boy's self report was substituted for the scale based on official records the findings concerning the characteristics and background of delinquents remained substantially unchanged. (4)

This study examines reconviction rates.

Undetected Offending

There is a large body of undetected offending. Into this category comes -

Unreported crime

An American report (5) suggested that only 1 in 10 minor thefts, 1 in 10 rapes and 1 in 2 housebreakings are reported to the police. A Scandinavian researcher (6) deduced that 93% of the more serious crimes committed by her randomly selected sample of 9 - 14 year old boys were unknown to the police.

Unrecorded crimes

Crimes may be reported to the police but not recorded by them. In an investigation of unrecorded crime Hood and Sparks (7) found that one third of more serious crimes said to have been reported were not recorded. Taking this and the previous category together Hood and Sparks made an 'informed guess' that only 15% of the crimes in England and Wales were officially recorded.

Unsolved crimes

Only about 50% of more serious reported and recorded offences, and a lesser percentage of minor offences, are solved. Walker, (8) for example, calculated that 80% of murders but less than 20% of thefts from cars were cleared up.

Unattributed crimes

Not all offences reported, recorded and solved result in a conviction being made. Without a conviction these remain officially 'unattributed'. Hood and Sparks, in the study mentioned above, suggested that only one quarter of those committing offences are convicted.

Unrecorded convictions

For the purposes of this study this group can be considered along with the above groups. Some convictions are not recorded, sometimes through error but others are deliberately omitted. Steer (9) in a study of different police area records found great variation in recording procedures and calculated the loss of information at this level to be about 10% nationally. In some areas only more serious offences are noted, in others a record is initiated only when there is a conviction for a more serious (Standard List or Fingerprint Schedule) offence but convictions for other offences are recorded if there is an existing record. Further, the 'principal offence rule' means that in many instances when

a number of offences are dealt with at once court appearance only the most serious of these is recorded.

For convenience all of these categories will be referred to in the research as 'undetected' offences. It is clear that there is much more crime - unreported, unrecorded, unsolved, unattributed, than that for which convictions are made and noted. Erikson and Empey, (10) American researchers, calculated that offenders in their survey had committed an average of 9.3 crimes on first conviction. Even these figures may err on the side of stringency. West, (11) when he checked a sample of persistent offenders (therefore known to the police and likely to receive scrutiny) with a conviction-free record over four years found that over 40% of them had committed undetected offences during that period. Belson, (12) in 1975, found that almost all of his sample of schoolboys had committed at least one undetected offence.

There is evidence to suggest that these losses are not 'across the board' but are greater for less serious crimes. Because such offences are important, and perhaps more realistic, indicators of behaviour probationers were asked to reveal their undetected offences.

All Offending - Convictions plus Undetected Offences

Because the distinction between convictions and undetected offences is, in terms of behaviour, arbitrary, these were combined to give a measure of offending behaviour.

Changes in Numbers of Convictions

Most studies define success in terms of absence of convictions, a dichotomous measure allowing only two categories - success or failure. While no further convictions is obviously desirable it may be an idealistic measure of success; it is probably unrealistic to hope for sudden change from 'offender' to 'non-offender' status. It has been

shown that offending decreases in steps, over time, rather than once and for all. Consideration of only success or failure, or of the number of reconvictions, may mask change in offending behaviour in that it cannot reveal whether a greater or lesser number of offences has been committed. The number of convictions in the probation year was, therefore, compared with the number incurred in the previous year and the direction of change noted.

Change in number of Undetected Offences

Diminution in the number of convictions may reflect only increasingly skilled criminal behaviour; increase in the number may reflect increased police attention, increased susceptibility to arrest, increased likelihood of prosecution, increased chance of being found guilty and/or increased judicial severity rather than a change in behaviour. Change in the number of undetected offences is, therefore, important and is examined.

Change in the Number of Convictions plus Undetected Offences

Because of the vagaries of the judicial process changes in behaviour may not be reflected by either changes in the number of convictions or changes in the number of undetected offences alone but by a combination of them. This was examined.

Changes in Seriousness of Convictions

It would no doubt be agreed that an offender with a history of convictions for, say serious assault, had 'improved' if his subsequent convictions, even if as numerous, were for breaches of the peace. A classification system and a 'seriousness indicator' were devised and used to measure such change.

Changes in Seriousness of Undetected Offences

Change in seriousness of undetected offences was calculated.

Changes in Seriousness of Convictions plus Undetected Offences

Because of the arbitrary nature of the detected/undetected distinction the seriousness of convictions plus seriousness of undetected offences was calculated and changes in this, compared to the previous year, noted.

Relevance of Changes in Offending Behaviour

The measures of offending behaviour described above are likely to appeal to those with a JUDICIAL ORIENTATION, that is, those who emphasise DETERRENCE, SOCIAL CONTROL and MORAL IMPROVEMENT as goals of the probation system. They will, however, be given some credence by most workers and rejected, perhaps, only by those with a CLINICAL ORIENTATION DEGREE 1.

Changes in Social and Employment Stability

Measures of social and employment stability have been used by many researchers as measures of success of treatments of offenders because they are negatively correlated with offending. The Gluecks (13) found a significant difference in cohesiveness of family relationships of delinquents and non-delinquents and that non-delinquents marriages were more successful than those of delinquents. Blackler, in 1968, (14) found that amongst those factors which distinguished non-recidivists from recidivists were - marriage, family contact, living with family and satisfactory accommodation. Disruption within the family was a poor prognosis. Davies, in 1969, showed that convictions were correlated with other measures of personal and social adjustment but noted that in his sample of probationers aged from seventeen to twenty-one years of age marriage itself was not necessarily conducive to either

stability or non-offending -

The majority of marriages clearly added further dimensions to already existing problems. (15)

Social and employment stability are of course interrelated.

This was noted by Stevenson in 1976 -

Our research has shown us what a complex interaction exists between the man and the economic and social structure in which he lives. The provision of more jobs, vital as that is, is not of itself sufficient to ensure the welfare of individuals, to ensure a 'fit' between the man and the labour market. (16)

In this study measures were devised to reflect changes in both social and employment stability.

Relevance of Social and Employment Stability

Because social and employment stability are seen as desirable in themselves and because they have been shown to be correlated with non-offending these measures will be accepted as relevant criteria of the success of probation by those with all degrees of both ORIENTATIONS, although perhaps of less interest to those in DEGREES 1.

Changes in Attitudes

Early research on attitudes (principally by the Yale School in the 1940s) assumed that the individual made free and rational choices based on belief, conviction and information. In the 1950s and 1960s more determinist assumptions (17) gained ground which viewed the individual as a victim of his sociological conditioning destined to repeat early learned behaviour and largely uninfluenced by new information. Recent research has cast doubt upon the findings of these studies. (18)

It has been shown that contradictory attitudes can co-exist and that contradictory behaviours can be engaged in simultaneously. Minard, (19) in 1952 found that miners tolerant of negroes below ground conformed to southern prejudice above. Similarly, Lohman and

Teutzes (20) in 1954 found that subjects behaved differently to negroes at work and as neighbours. Wicker, in 1969, in an excellent review of attitude research literature, concluded -

It is considerably more likely that attitudes will be unrelated or only slightly related to overt behaviours than that attitudes will be closely related to actions. (21)

In spite of such findings intuitive feeling that attitudes and behaviour are related persisted. In the 1970s the complexity, and relativity, of the relationship was more thoroughly investigated and new models developed. McGuire, (22) in 1969 pointed out the importance of the interaction of attitudes and behaviour. He noted five components in what he called 'the matrix of communication' - the source, the message, the channel, the receiver and the destination. Each of these, he said, contributed to the composition of the attitude and its relationship to behaviour.

Lemon (23) also believed that the context and intervening variables are important determinants of behaviour. Lemon stressed the importance of the intensity of the attitude, its salience for the subject, the amount of ego-involvement and the attitude structure. Davey (24) pointed out that prediction of behaviour from attitude must take into account the constant change in personal and social contexts. Other workers (25) have suggested that behaviour results from a 'trading off' of values and expected gains - a modern version of Bentham's hedonic calculus.

The most intellectually satisfying theory to date would appear to be the expectancy-value theory of Fishbein and his associates. (26) They attempt to quantify the relationship of beliefs to attitudes, of attitudes to behavioural intentions and of behavioural intentions to behaviour. Fishbein put most weight upon salient beliefs which he saw

as having two main dimensions - the strength with which the belief is held to be true, and the evaluative direction of that belief, that is, whether it is held to be 'good' or 'bad'. Behavioural intentions are seen as a function of the individual's attitude to the behaviour and his subjective norms about it. Fishbein produced a regression equation for calculating the contributions of beliefs, attitudes, norms and intentions to behaviour. This 'operationalizing' of the measure would allow a test to be constructed which would not only measure attitude but would be likely to reflect behaviour. (27) Unfortunately details of Fishbein's work were not available when this study was designed.

Criminologists too studied the relationship between attitudes and offending. Shelley and Johnson, for example, found that -

..... the possession of 'good' attitudes correlated with parole success. (28)

In Britain Gibson found that -

..... a positive attitude towards the police correlated with a low rate of criminal commission. (29)

Sheriff and Sheriff, (30) in 1968 showed that improvement in attitudes towards work and the self (along with higher intelligence and dominance) predicted better probation performance. The Gluecks, (31) also in 1968, analysed 100 variables and found that 'non-submissiveness to authority' showed the second greatest difference between delinquents and non-delinquents. Similarly, it is implicit in the work of the Cambridge Study on Delinquent Development that attitudes are important. West and Farrington considered attitude change in a number of studies. They noted, for example, in their 1973 report, (32) deterioration in certain expressed attitudes in probationers after conviction. This suggested to them that the process of conviction changed attitudes

rather than that attitudes led to offending which led to conviction. In 1977 in Who Becomes Delinquent they reported the results obtained using an attitude schedule and suggested that certain negative attitudes are correlated with delinquent behaviour -

..... statements indicative of aggressive attitudes and anti-establishment attitudes were frequently endorsed significantly more often by delinquents than by non-delinquents. (33)

In the present study four attitudes were selected for measurement as being relevant and as likely to be considered important by probation workers. These were - WORK, LAW AND AUTHORITY, PROBATION and the SELF. The relationship and interrelationships of these concepts with the EMPHASES in probation work have already been pointed out.

Work

The emphasis which probation workers have placed upon WORK was discussed at length in Part I Chapter 3. It has received support also from many quarters. Walker, in 1976, for example, said -

To tell a probation officer that he can find an offender a good job, and nice lodgings, but must not try to alter his attitude to work is like telling him to teach somebody to swim without tackling his fear of the water. (34)

Law and Authority

The importance which probation workers place upon conformity to law and acceptance of authority has been discussed at length in Part I Chapter 3 in the section on Social Control, tangentially in the sections on Practical Help and in Congruence and Conflicts.

Probation

Measurement of the probationer's attitude to probation and changes in this has a number of uses. In addition to allowing examination of any correlation between it and subsequent behaviour, and therefore of whether it is the worker's attitude itself transmitted to the probationer

which affects outcome, rather than the worker's ORIENTATION, it provides a measure of 'consumer satisfaction' in that the probationer, if he feels that he has been helped by the probation process is likely to have a more positive attitude towards it.

Relevance of Changes in Attitudes

Probation workers are likely to be divided upon the importance and possibility of changing attitudes some accepting that such change is necessary to facilitate change in behaviour and others rejecting the idea in the belief that it is unwarranted interference with individual liberty.

Self-Concept

Whilst the extent to which attitudes towards any particular concept predict behaviour in the area of that concept is problematic there are firmer grounds for believing that the attitude towards the SELF is, at least, highly correlated with behaviour and/or is an important mediating variable in determining behaviour. Any attempt at a brief overview of the myriad findings (35) is beset with dangers and difficulties. There has, however, been a preponderance of studies which have suggested that higher self-concept - a good picture of the self - however measured - is correlated with socially desired traits and behaviour.

Weeks, in the Highfields study of delinquent adolescents, postulated that self-acceptance was one of the factors differentiating recidivists from non-recidivists. He concluded that -

..... favourable results were not due to basic personality changes but rather to the boy's gaining new conceptions of himself and his relationship to society. (36)

Reckless and his colleagues, in a series of studies (again with adolescents) (37) showed that higher self-concept acted as an insulator against delinquency. Nesbett and Gordon, (38) in 1967 found

that higher self-esteem was correlated with lower levels of susceptibility to social influence. In 1968 Aronson and Mettee (39) demonstrated that honesty decreased when self-esteem was reduced. Eisen, (40) in 1972, showed that higher self-esteem was correlated with resistance to temptation.

Other writers have discussed the importance of the self-concept as an intervening or mediating variable between the situation and behaviour. Mossman and Ziller, in 1969, wrote -

Persons with low self-esteem do not possess a well-developed conceptual buffer for evaluative stimuli the person with low self-esteem is field dependent, that is, he tends to passively conform to the influence of the prevailing field or context. (41)

Robertson, in 1974, in a study of schoolboys, noted -

It was discovered that self-concept was an essential intervening variable in the relationship between parental behaviour and psychopathology. (42)

The consensus would seem to be that higher levels of self-esteem provide protection against delinquent activity. Whatever explanations of the process merit greater weight there is agreement that high levels of self-esteem are associated with socially acceptable behaviour.

Relevance of the Self Concept

The self-concept can be seen as important in probation work. The JUDICIALLY ORIENTED worker would wish to increase it because it has been shown that higher self-esteem is positively correlated with non-offending behaviour. Those with a CLINICAL ORIENTATION would probably, in addition, see a higher level of self-esteem as assisting relationships, work performance and functioning, and in increasing the happiness of the probationer. Higher level of self-esteem would be considered desirable for its own sake and because it implies psychological adjustment.

Social Functioning

Adequate social functioning, by that name or some synonym, is frequently mentioned as a goal in social work. For Perlman, for example, it is the primary purpose -

Social casework is a process used by certain human welfare agencies to help individuals to cope more effectively with their problems in social functioning. (43)

Harriet Bartlett agreed -

Social work's central focus is social functioning - the balance between people's coping capacities and environmental demands. (44)

Minn, writing specifically of probation work, said -

..... by the time the period of supervision has been completed the person will be self-dependent. (45)

Adequate social functioning has been found by many researchers to correlate highly with non-offending behaviour. Rumney and Murphy, (46) in 1954, Davies, (47) in 1969, Scott (48) in 1964 and Clark and Sinclair (48) in 1973 are among many writers who considered the matter.

Social functioning has also been found to be correlated with self-esteem. Mossman and Ziller (49), Rosenberg and Coopersmith (50) found that high self-esteem was necessary for personality integration and for effective social functioning, findings congruent with the earlier conclusion of, for example, Smith (51) who in 1958 found that acceptance of self is inversely related to measures of maladjustment, anxious insecurity and nervous tension.

That these concepts are related to each other and are important in consideration of delinquency is highlighted by Kaplan (52) who in an investigation in 1969 of what he called psychosocial deviance postulated that -

..... low self-esteem will be accompanied by feelings of subjective distress (manifest as anxiety, depressive effect etc) which, depending on their intensity, might impede adequate performance of social roles.

and produced a wide range of empirical findings to support this view.

Relevance of Social Functioning

The CLINICALLY ORIENTED worker will find a measure of social functioning an appropriate method of assessing the effectiveness of the emotional, situational and psychological help which has been proffered to the probationer. The JUDICIALLY ORIENTED worker will find it a useful indicator of probable offending behaviour and will wish to increase it because of its known correlation with anti-social behaviour. In addition all will agree that it is important in its own right.

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Measurement is regarded as the key that distinguishes science from the empirical and instinctive wisdom of ordinary life. But with any scrutiny we find measurement a highly arbitrary business, hardly scientific at all.

Kenneth E Boulding

Part III

Chapter 5

MEASUREMENT OF CHANGE IN PROBATIONERS

Reconvictions and Verification

The different possible definitions of 'reconviction' have been noted elsewhere. In this study all convictions for all offences are included, in part because most probationers commit only minor offences and in part because any conviction is an important indicator of behaviour.

After completion of all interviews over eight months were allowed to elapse before police records were checked to verify the accuracy of the convictions reported by probationers. This is hardly sufficient time. In some areas (Glasgow, for example) report of a conviction may take many months to reach the criminal records.

In England, Edinburgh and Aberdeen local police records rather than Central Criminal Records were utilized. Glasgow records are combined with the Scottish records. Although there is always some loss of information in recording it has been found that local records are more accurate and are more likely to contain details of minor offences. In general only more serious offences are transferred to the Criminal Records Office - usually those of offenders of more than seventeen years of age found guilty of more serious offences. Steer (1) in his study

of police area records found great variation in the numbers and types of offences passed to the (English) Central Criminal Records Office. In the IMPACT study (2) in which only standard list offences were included, use of the Central Criminal Records Office records produced a reconviction rate of 29.6% but when Central Criminal Records Office and 'probation officer sources' were integrated the reconviction rate rose to 33.6%. Similarly, Pease, Billingham and Earnshaw (3) found, in a sample of 617 cases, 100 cases, and in another sample of 100 cases, 22 cases, in which the local criminal records provided information additional to that in the Central Criminal Records Office. It is not clear from Pease, Billingham and Earnshaw's paper whether these additional offences were Fingerprint Schedule, Standard List or other offences.

In some areas the researcher was provided with a photostat copy of the record, in others notes had to be taken from the master copy. In some areas detailed police reports on the offences were available, in others only the offence and the sentence were noted. This made estimation of 'seriousness' difficult. In some cases the help of local police officers was enlisted in an attempt to reconstruct the possible behaviour of the probationer to enable some estimate to be made.

Classification of Offences

The English, the Scottish and the compromise classification system devised by the researcher are set out in Table 3.5.2. The difficulties of comparing criminal statistics because of the different legal systems, nomenclature and classification systems was discussed in Part III Chapters 1 and 4. The classification system devised accords as closely as possible with the existing national systems but does not of course

correspond. Examples of some anomalies which make correspondence impossible are included in the table.

Seriousness Indicator and Quotient

A scale to measure the seriousness of crime is, it is universally agreed, desirable. There is less agreement upon the definition of 'crime' and practically none upon the elements or aspects which should be taken into account in assessing seriousness.

Some scales assess seriousness according to the legal description or category of the offence. As has been noted in Part III Chapter 1 on criminal comparisons and in Part III Chapter 4 on classification legal categories of offences are based upon historical accident rather than upon assessment of behaviour. Distinctions upon which Finger-print Schedules, Standard Lists, Indictable and Non-Indictable offence categories are based are no longer clear cut but are riddled with anomalies within each system; there is even less correspondence across systems. There is at least one scale in which a measure of seriousness is derived from the sentence received. (4) In any legal system in which there are few mandatory sentences and in which the court's use of discretion is encouraged there is inevitably wide variation in sentencing practice. (5) The defects of any seriousness scale based on sentence received are considerable; scales based on them will not be discussed.

An early scale (intended for use with adolescents) by Nye and Short (6) included as serious 'defying parents to their faces'. It also scaled as delinquent 'sexual relations with persons of the opposite sex'. Sexual relations with persons of the same sex were not, apparently, delinquent.

The Gluecks (7) developed a scale intended for use with both juveniles and adults. Like the Nye and Short scale it included acts not illegal in Britain (fornication, adultery, fathering an illegitimate child, and being a stubborn child). Scales employing such definitions of 'crime' are not useful in assessing the criminal behaviour of adult men.

There were also British scales. In 1961 McClintock (8) published a scale which distinguished between but allowed combination of criminal or penal problem scores and social problem scores. This was developed in a later work. (9) Seriousness was assessed according to numerical and subjective criteria, numbers of previous convictions, types of offences, gravity of offences and potential recidivism. This useful scale was not adopted for the present study because, as it was created to cover the gamut of criminal behaviour, it did not distinguish sufficiently the minor offences for which most probationers are convicted.

The work of Stevens and Galanter who sought methods of measuring non-physical continua was utilized by Wolfgang and Sellin (10) in 1964 in another attempt at The Measurement of Delinquency. They attempted to compile a more objective scale. They composed vignettes of 141 offences of varying seriousness and complexity. Subjects were asked to give each vignette a 'magnitude estimation score' reflecting its 'seriousness'. Wolfgang and Sellin claimed that perceptions of ratios of seriousness remained constant with different raters and that the scale could therefore be used as the basis of a valid and objective scale of seriousness. (Scott (11) produced a British version of this.)

Wolfgang and Sellin's work was attacked on many levels. It was claimed that the methodology was faulty (the final scale was derived

from ratings by university students only) and that replication did not produce the same results. Rose (12) pointed out that perceptions of seriousness seemed to vary with social class and that because of this and other defects the scale could not be applied generally and would not apply in Britain. Lesieur and Lehman (13) made rather more serious allegations of carelessness and misuse of statistical techniques which they claimed invalidated the scale.

The Wolfgang and Sellin scale assumed 'additivity' - that is, that an offence committed twice is twice as bad as the same offence committed once. Pease, Irson and Thorpe (14) (in a replication in which only 32% of their sample of 147 subjects agreed with the Wolfgang and Sellin ratings) found, for example, that their subjects considered that two rapes were more serious than one murder, while the Wolfgang and Sellin scale rated these as less serious. If the scale cannot be used 'additively' it does not constitute a ratio scale (as Wolfgang and Sellin claimed it was). This objection that the scale was no more than ordinal was supported by the work of Lesieur and Lehman. (15)

Apart from these specific criticisms there are general objections to such a technique. A scale devised in this way is unlikely to be reliable over time or in different areas because perceptions of seriousness may be sharply, and locally, altered by particular events. For example, publicity about brutal attacks on children would be likely to heighten sensitivity to such offences which would for a time be viewed more seriously than previously. (16) The Wolfgang and Sellin scale, and the British variant of it, was considered unsuitable for use in this study. Like most scales it is intended for application over the universe of criminal activity. It does not include trivial, technical or minor offences. Probationers with minor-to-middling offences would

obtain low scores within a very small range which would make comparison between probationers and over time almost impossible. It was necessary therefore to devise a scale which could distinguish within the range of seriousness for which probation orders are usually made and because of this it was not possible to produce a scoring system comparable with any of the existing scales.

It was decided to adopt a category scaling technique (in which events are placed in discrete categories giving a rank order) rather than to attempt a magnitude scale (which produces a continuous, more expansive scale, involving judgements of strength and salience). Although the categorical analysis appears a much cruder method research has suggested that category and magnitude scales are logarithmically related. (17) In a study of this Aridges and Lisager concluded -

Magnitude and category scaling techniques produce quite similar distributions and estimates of seriousness magnitude. (18)

No attempt was made to produce weightings of individual events. Blumstein studied this and concluded that such a scale -

..... provides little additional information and contributes no significant information to a national crime index. (19)

In a similar exercise Hindelang (20) correlated the Wolfgang and Sellin seriousness scale in American states and counties with the routinely produced Uniform Crime Report figures. A correlation of .98 suggested that the unweighted UCR rates provided as much information as the more complicated Sellin and Wolfgang scale. Both of these studies however concerned grouped data and not estimates of individual seriousness.

The Wolfgang and Sellin scale, and others, assumed that a seriousness score should reflect society's view of the seriousness of offences. This is not necessarily a valid assumption. It is

impossible to construct an objective indicator; any indicator necessarily reflects subjective assessment. Wellford and Wiatrawski (21) pointed out that three hundred years ago witchcraft was considered a serious offence. Today it would not be so considered.

The Indicator used in this study is set out in Table 3.5.1. The ten categories of offences are those used in the Classification of Offences. Individual's offences were allocated to one of three broad bands of seriousness - trivial/technical, intermediate and serious. Trivial/technical offences were accorded a score of 1, offences causing some harm to individuals or society were scored 5 and those causing greater harm were scored 10. Total seriousness was calculated by multiplying the number of times each offence occurred by its seriousness score and summing these. An example is given in the table. In an attempt to overcome the problems of additivity long term continuous or consistent offending (for example, regular 'fiddling' of works time sheets) was counted as one offence but the seriousness measured according to the annual financial gain. The seriousness quotient was calculated by dividing the total seriousness of each offender's offences by his total number of offences.

The Seriousness Indicator is not presented as an alternative to or an improvement upon existing scales but as a device developed because no instrument suitable for the purpose existed. It was necessary to have a measure which focussed on the area of offending where probation is likely to be offered providing a greater differentiation of these offences than is possible in a scale covering the whole range of crime equally. By carefully defining the groups, by standardising administration and scoring and because the Indicator was used by only one person it was hoped that the instrument was reliable and internally consistent.

Undetected Offences

The nature of the study made it impossible to use any method of gathering information on undetected offences other than self-reporting. The validity and reliability of this method has been shown to be higher than might be expected. A number of studies have examined the accuracy of self-reported data by checking admissions of known offences. Erikson and Empey (22) in 1963 obtained 100% accurate reporting of known offences from boys on probation. In commenting on this they pointed out that the boys may have believed that all offences were already known to the researchers and that concealment was therefore pointless. In the same year Voss (23) in an investigation of ethnic differences in delinquency in Honolulu found that 90% of acts which led to convictions were admitted in a self-report questionnaire. Only four out of a total of 83 offences were missing. Clark and Tift (24) in 1966 obtained 75% admission of known offences.

More recently Gibson, Morrison and West (25) studied the Confessions of Known Offences of adolescent boys in response to a Self-Report of Delinquency Schedule. They found that 83.3% of the sample of boys made completely accurate confessions and 91.7% at least partial confessions. Blackmore, (26) in 1974, in a replication of the Gibson, Morrison and West study, examined the relationship between self-reported delinquency and official convictions of the same sample at a slightly later date. He found that 75% of known offences were admitted. Blackmore suggested that admission may decline with age. West and Farrington (27) in 1977 commented upon the apparently high degree of accuracy obtained in self-report investigations. They noted that only 6% of their sample of 101 denied ever having been convicted and that only twenty failed to admit one or more of their convictions.

Blackmore found that only about .7% of his sample made false claims while West and Farrington reported only 14 possible cases of over-reporting out of a total of 101 but noted also that deficiencies in recording systems made it impossible to be sure that all of these were, in fact, over-reports.

It is rather more difficult to check the accuracy of undetected offences. In an attempt to do so Gold (28) used informers to check veracity. He considered that 72% of offences were admitted. Clark and Tift (29) in their 1966 study made a novel attempt to ascertain accuracy of reporting of undetected offences by using a polygraph (lie detector). This suggested that 92% of all responses were honest. (Although it has been shown that the validity of the polygraph is low this would seem not to be important if subjects believed its efficacy. There is, however, a further objection in that the polygraphy is efficacious only when short periods of time are involved because it cannot detect non-recall.)

From this evidence it seems fair to conclude that self-reporting of undetected offences, if the information is sought with care and sensitivity and with properly designed and carefully administered procedures produces a surprising degree of accuracy.

Numerous methods of collecting self-reported data on offences have been devised in attempts to find that which gives greatest accuracy. Psychometric and projective devices to measure offending indirectly have been developed to reduce the effects of psychological factors - response bias, yea-saying, conformity, anti-conformity etc - in reporting. These have been found to be no more successful or accurate than direct methods when evaluated against external criteria such as

rating by others. (30)

Many direct methods have been tried and some of these have been compared. Check lists (31) and card sort techniques (32) have been devised. Structured and unstructured interviews have been compared (33) as have checklists and structured interviews. (34) No significant differences were found. Recent research has produced no findings to cause disagreement with Gibson who reviewed the literature to 1967 and concluded -

..... just asking for information without suggesting that
it is not likely to be given (35)

is as good a method as any.

The method adopted in this study was that of direct questioning in a conversational style in a neutral atmosphere within the structured interview with a combined prompt and check list (Table 3.5.3) used after the probationer had reported offences recalled spontaneously. The initial items on the prompt list - playing football in the street, trespass, attending X-films under age, drinking under age, incidental fare evasion - were not included as 'offences' but were used only to encourage response.

Social Stability

Any attempt to quantify (or operationalize) a concept such as Social Stability (or Employment Stability which is dealt with in the next section) must necessarily oversimplify the concept by choosing only a few aspects of it and measuring them by an ordinal scale according to certain value assumptions which do not necessarily hold in all cases. The assumptions made in the development of this scale were that social stability is desirable and that it has some relationship to the individual's satisfaction with his situation.

In the first questionnaire probationers were asked their marital status, the number of children they had and supported and for details of their living accommodation. The same questions were repeated in the second questionnaire and the direction of any change noted. Change from 'not married' to 'married' was assumed to be conducive to social stability if the probationer wanted to be married. Such a change was recorded as +1. (Davies' finding that marriage was not, generally, conducive to social stability in offenders under 21 years is an example of the difficulty of assigning values.) A probationer previously married who had separated from his wife or obtained a divorce was also assessed as having moved in a positive direction if the marriage had been unsatisfactory and the probationer was happier with the new situation.

In dealing with the numbers of children supported additions to the family born to the wife or cohabitee of the probationer were not scored, but if the probationer undertook long term responsibility for other children this was taken as an indication of social stability. Ceasing to support his own children who had been supported previously was regarded as a counter-indication of social stability and scored -1. Similar criteria were followed in assessing changes in living arrangements.

Work Stability

The Work Stability Scale was devised in the same manner as the Social Stability Scale; similar assumptions were made. It was assumed that permanent employment, little unemployment and few employment changes were desirable.

At the first interview probationers were asked whether or not they were working, and if not, the length of time they had been unemployed, the number of jobs they had had in the past year and the longest time

spent in any one job. These questions were repeated at the second interview and there was, if necessary, discussion on the degree and direction of change. This was particularly necessary to ensure that probationers employed in say the building trades, where workers are required to change jobs frequently as building sites close, were not scored in the same way as those who changed jobs often of their own accord or who were frequently dismissed. Movement from unemployment to employment, fewer job changes, longer periods spent in each job, were scored positively. Movement from employment to unemployment, more job changes and longer periods out of work were scored negatively. These were then summed and the direction of change noted.

Measurement of Attitudes

There are many methods of measuring attitudes, and attitude change. Reviewing the subject in 1946 McNemar (36) suggested that attitudes were best measured unidimensionally by scaling techniques utilizing more than one question. In 1950 Campbell (37) compared the power of four different approaches -nondisguised structured, nondisguised non-structured, disguised nonstructured and disguised structured. He found no evidence to suggest that indirect tests obtained higher validity but considered that they were more effective in picking up systematic unconscious biases. Direct tests had higher reliability.

A fast simple indirect test utilizing a number of questions on attitudes to Work, Law and Authority, Probation and the Self were sought. The Mental Measurements Year Book (38) was consulted as was Sociological Measurement: An Inventory of Scales and Indices. (39) No suitable test was found. Kelly's Repetory Grid (40) (and the simplified form developed for a similar purpose by Robertson (41)) was considered but it was felt

that it took too long to administer and to be more cumbersome than was optimum. It was finally decided to construct, develop and use a version of the Osgood Semantic Differential. This had the advantage that the attitude towards the Self could be measured on the same scale and administered as part of the same test -

..... it being agreed that there is no qualitative difference in the characteristics of attitudes towards the self and attitudes towards soup, soap, cereal or suburbia. (42)

The Osgood Semantic Differential satisfied a number of important criteria. Several items are assessed to provide the measure of each concept. Because the scoring system is not immediately obvious it was hoped that the Osgood Semantic Differential would, in effect, fall somewhere between a direct and an indirect test, a disguised and an undisguised test, for the probationers (although it is usually considered an undisguised test) and would maximise validity but at the same time pick up unconscious biases.

The Osgood Semantic Differential (43)

The Osgood Semantic Differential was developed by Osgood, Suci and Tannenbaum to measure connotative meanings of concepts both universal and personal to individual by means of pairs of antonyms. It was found that evaluative, potency and activity factors could be isolated, the evaluative being the most important. Osgood, Suci and Tannenbaum suggested that a person's attitude towards any object was equivalent to the object's connotative meaning.

The Osgood Semantic Differential has been subjected to many tests and assessments. It has been found an acceptable and useful measure. The first requirement of any test is that it is valid - that is, that to a reasonably high degree it measures what it claims to measure.

There are many categories of validity. It is important, for example, that a test claiming to measure a variable correlates with some external criteria of that variable and also with other tests which have been accepted as measuring it. Marks (44) provided both kinds of support for the Osgood Semantic Differential. In a validation study (using obsessives, psychopaths and controls) Marks found that the Osgood Semantic Differential had, in a single interview, as good a correlation, measuring patients' implicit feelings, as did two psychiatrists. He found also that after a series of psychotherapeutic interviews the Osgood Semantic Differential scores correlated highly with psychiatrists' ratings. Shaw and Wright, (45) and Fishbein and Ajzen (46) found high correlations between Thurstone, Guttman, Likert and Osgood Semantic Differential scorings.

The test has been found to be reliable over time. A study by Norman (47) in 1959 found that 40% of subjects did not shift on test/retest, that 35% shifted only one unit and 25% only two units over a seven point scale. Shaw and Wright, (48) Robinson and Shaver (49) found high reliability with the Osgood Semantic Differential compared with other direct measures. Davidson (50) found .95 reliability. DiVesta and Dick (51) tested the reliability of the Osgood Semantic Differential with children. They found that the evaluative component was most reliable and that the Osgood Semantic Differential became more reliable as the children got older. Marks too, in the study mentioned above, found the evaluative component the most stable. These studies corroborate the original finding of Osgood, Suci and Tannenbaum that the evaluative component was the most reliable. They also found it to be the most sensitive in picking up changes. It shifted only

half a scale unit on a three month test/retest. Because of the number of similar findings Schwartz and Stryker (52) recommended use of the evaluative component only. Their advice was followed in this research.

There has also been research upon the kind of items which produce best results. Triandis (53) noted that subjects found it easier to use meaningful scales and that they performed best on these. Mitsos (54) and Koltuv (55) found that relevant scales were more sensitive, gave more variance and involved less random error. Only concepts and antonyms likely to be meaningful and acceptable to probationers were used in this study.

Osgood recommended a seven-point scale with the mid-point representing a neutral or 'don't know' response. The seven-point scale was adopted in this research. Subjects found it easy to use and appeared to be comfortable with it.

The Osgood Semantic Differential has proved a useful tool in measuring the attitudes of offenders. Gordon, Cartwright and Strodbeck, in 1962, (56) found it valuable in comparing attitudes of gang members with controls. It has also been found to be a most accurate method of obtaining self descriptions; Schwartz and Tangri (57) found it useful in estimating the self-concept of offenders. It was also used with success by Ford and Meisels, (58) and Meisels and Ford (59).

The warnings sounded by Heisse (60) of the dangers of selecting items intuitively for use in the Osgood Semantic Differential were heeded. Sixteen pairs of antonyms were piloted. The seven eventually selected were those which were most easily understood by subjects and which consistently showed greatest variance.

A simple scoring system was adopted. Of the seven points from which a choice was made the most negative was given the value '1', the next most negative '2', and so on up to '7' -

Negative 1 2 3 4 5 6 7 Positive

(See also 'Instructions for the Semantic Differential' on the final page of Table 3.2.3.)

It will be noted from the copy of the Semantic Differential, included in Table 3.2.3, that the negative and positive poles were alternated to encourage careful and thoughtful working and to avoid response set etc.

Social Functioning

Before attempting to locate a suitable measure of social functioning it was necessary to construct a definition of it. It was felt that the concept should include not merely motor skills sufficient for independent living plus social skills which enabled the individual to associate in reasonable harmony with others in living, occupational and leisure activities, but should also include the sociological and psychological adjustments (or happiness, or lack of stress) necessary for personal satisfaction in these situations. A measure which included all these aspects was sought. Most existing measures define social functioning too narrowly to meet the criteria suggested above. Many of the scales available were intended for use with children and measured social development rather than social functioning although that of Doll, for example, has been modified for use with adult offenders (Doll and Brooks (61)). A number of others which claimed to measure social adjustment, social maturity, social responsibility or social competence did not cover the three kinds of functioning desired. These, and other tests which focus specifically on dissatisfaction (for example the Mooney Problem Checklist (62))

or dysfunctioning, For example the tests designed by Linn, Sculthorpe, Evje. Salter and Goodman, (63) Lorr and O'Conner, (64) Raskin and Clyde, (65) Gurel (66), were rejected. The Minnesota Multi-Phasic Personality Inventory (67) and the California Personality Inventory (68) were considered too general, and to focus upon negative aspects of behaviour. More importantly, these, like the Social Adjustment measure by Rumney and Murphy (69) which is discussed below, ally social functioning very closely with personality, a conjunction which has been rejected by a number of researchers (Sinclair (70), Clarke and Martin (71) Davies and Sinclair (72) among others) following the work of Mischel who said -

There is no predisposition to act in particular ways
behaviour is determined by environment and experience,
consistency in behaviour arising from consistency of
environmental influence and not 'personality'. (73)

The Social Adjustment measure devised by Rumney and Murphy had the advantage of having been developed for and used with probationers but it had a number of disadvantages. The measure in its entirety is very long and includes aspects which were not covered in the present research. Analysis was based on social histories and the questionnaire devised for use with the probationer was in the nature of a 'consumer survey' asking for generalisations and deductions on the part of the probationer a number of years after the conclusion of the probation period. It was created in the early 1940s, using data from the 1930s, and was particularly intended to isolate relationship of personality factors to adjustment. While the structure and findings of Rumney and Murphy's research was borne in mind the construction of the questionnaire made it inappropriate for this research.

Eventually the Heimler Scale of Social Functioning was selected as the test which best met the criteria and overcame problems. Because this test seeks subjective perceptions there is little tester

influence. The test itself, however, contains certain cultural and value assumptions. For example, being able to save money is seen as positive, as is liking the company of the opposite sex and of children. These must be borne in mind. However, the Heimler Scale of Social Functioning overcame some of the methodological problems. It had been tested extensively for reliability, validity and predictive power, both as a research instrument and as a clinical method. It was developed in Britain and British norms are available. The questions are phrased in a way appropriate to many situations: they do not arouse defensive reactions or hostility. More particularly, the scale was designed to measure change within individuals. As was pointed out by Carver (74) most psychometric tests are designed to detect differences between individuals. Such tests are therefore less suited than the Heimler to measurement of change within the individual as attempted in this research. The Heimler Scale takes account not only of both sociological and psychological variables and practical constraints, but also their interactions. The final scoring presents a balanced picture of the subject's perception of and feeling about his life. Table 3.5.4 gives a copy of the version of the Heimler Scale of Social Functioning used in this research. (75) The Heimler Scale also provided a useful summary measure and check on answers given in other parts of the questionnaire. Some of the items cover subjective aspects of matters upon which factual information was requested. Any obvious discrepancy allowed further questioning and clarification.

Heimler Scale of Social Functioning

The Heimler Scale of Social Functioning was developed by Eugene Heimler under the auspices of the then-National Assistance Board as part of a programme (initiated in 1954) designed to help the 'unemployable' find and keep work. (76) Heimler noted that an individual's ability

to cope with life seemed to be determined by his perception of the situation, by the satisfactions and frustrations afforded him by that situation and by his perceptions of his past. He wrote -

..... it appeared that those who 'functioned' in society, as against those who did not 'function' had the common feature of a subjectively felt satisfaction that corresponded with their level of bearable frustration. (77)

Heimler developed a scale to measure the individual's ability to cope with his situation by providing a reflection of the objective situation mediated by the individual's perception of it. It is this which he called a measure of social functioning. Heimler wrote -

Subjectivity and objectivity, it appeared, were interwoven to a point at which one began to wonder whether the two could be separated. After all, in philosophic terms, what is absolute reality? (78)

Heimler believed that if satisfactions and frustrations are balanced the individual will be creative and involved in life. If they are not balanced, if, for example, frustrations are too great or are overwhelming, social functioning may be paralysed and the individual may resort to self-destruction, insanity (internal immigration in Heimler's terms) or anti-social behaviour. Heimler did not claim that the philosophical or psychological concepts upon which he built are new. Rather he noted that they were firmly based in European humanistic and Judao-Christian traditions; he was influenced by psychodynamic theories but also noted the importance of expectations and intent. The Scale was designed to help the individual to deal with problems and to be used therapeutically by a trained practitioner. The evaluative components were originally intended to aid the therapeutic endeavour. (79)

The Scale measures satisfactions and frustrations in five life areas - work and interests, finance, friendship, family and personal

relationships - and takes into account interrelationships. It considers these in relation to the strengths and weaknesses which the individual perceives as created by his past life. The Scale has proved a useful diagnostic and therapeutic instrument; in addition it provides a method of conveying complex information, on a profile of problems, in a form which can be readily understood by all workers who have received the Heimler training. (The researcher undertook this training.) Use of the Scale is spreading not only in Canada and the United States of America where research on it continues but also in Europe. Both the German Federal Republic and the Dutch Probation Services have adopted the method.

The Scale scoring system is complicated and interpretation of scores complex, depending upon combinations and permutations of item scores, section scores, average scores and total scores, and yielding neither ranked, interval nor ratio data but rather a series of comparisons which can be interpreted very accurately by trained workers.

Research on the Scale, and on the Scale as a research instrument, is in progress. Reliability and validity testing has been carried out concurrently with development and adjustments have been made in the light of clinical and research findings. In 1954 the first form of the Scale was used with 41 men referred to Heimler by the National Assistance Board as 'unemployable'. Another 41 referrals were used as a control group. Individuals were allocated to experimental and control groups on a random basis. Of those treated 50% went into regular employment compared with only 5% of the control group. Similar results were obtained with 94 referrals from mental hospitals, psychiatric out-patient clinics, social workers and self-referrals. (80)

A study in 1957 (81) used the Scale to determine the effects of close collaboration between a caseworker and a doctor. A sample of 43 patients was divided into five groups - anxious, psychosomatic, hysterical, psychotic and on after-care. Roughly one-third of those from the first three groups adjusted to normal life although none in the other two groups improved significantly.

Bender and Cooper, (82) in 1967, assessed the concurrent validity of the Heimler Scale using Eysenck's Maudsley Personality Inventory (MPI), exam results and birth orders as criteria. They found, amongst other things, a significant relationship between the HSSF and the MPI neuroticism scale.

A number of small scale experiments in 1967 (83) tested the scoring system. These supported previous findings and in the light of this research two new indexes were added to the scale in 1968. In 1969 Bender (84) conducted a further study. He found final examination results could be accurately predicted from HSSF scores. In 1971 the Scale was used in basic employment skill training by the Canada Manpower Training Programme (Ceccato) (85) to assess how far 'unemployable' and 'unreferable' men could be re-educated into work. The researcher concluded that HSSF scores pinpointed major problem areas upon entry into the programme more exactly than available background material supplied by referring counsellors and that the Scale proved to be a more accurate reflection of the individual's reality, that is, that the person's subjective description, as provided by the HSSF, gave an extremely accurate profile of actual functioning not distorted by facade or persona. Use of the scale reinforced instructors' confidence in their own judgements but where there was disagreement the scale provided tangible indication of factors which had been overlooked.

It was found that post-programme Scale interpretation was never at variance with staff consensus and that emotional adjustment was accurately registered in the final Scale.

Lagasca and Eagan (86) conducted a study of 166 families with dependent children receiving welfare benefits. The HSSF was used to provide a descriptive profile of clients and to explore the relationship between client and programme variables and Scale variables. The data were cross-tabulated and chi-square tests of significance obtained at .01 level between those receiving welfare assistance and low positive scores, and at .05 level between the Positive Index of the Scale and the number of service contracts - that is, those with the lowest Positive scores received most benefit. Lagasca and Eagan concluded that the Scale pinpointed the areas in which improvement was most needed.

A similar study was conducted by Schumann, Ayres and Hopkins (87) to further establish the concurrent and predictive validity of the HSSF. They attempted to assess the rehabilitation potential of public assistance clients considered unemployable using the Scale compared with forty variables traditionally and theoretically used as possible indicators of rehabilitation potential. They found a high diagnostic correlation. The Scale was administered by social workers and interpreted 'blind'. 56 cases were compared (by a sociologist trained in HSSF methods, two other sociologists and a psychologist) with corresponding evaluations 51 of which were psychological evaluations and 5 psychiatric evaluations. There was complete initial agreement in 37 cases and after discussion agreement on all but one case.

In 1972 Josephine Bates (88) studied the concurrent validity of the concept of social functioning as used in social work, the HSSF, the Satir Family Interaction Scale and The Fundamental Interpersonal

Orientation Behaviour Scale. She found that the three types of scale consistently measured the 55 volunteer couples on a dimension which she called 'the symbolic interaction pattern of individual group and family systems'.

Lawson and Powers, in 1973, (89) conducted an Evaluation of Patient Progress in a Day Treatment Centre using HSSF and Keresuk and Sherman's Goal Attainment Scale. They found a correlation significant at the .05 level with patients who said they felt they were making progress.

Rodway (90) compared, in a practical setting, the effects achieved with the Heimler Social Functioning approach with those of eclectic therapists. No significant differences were found between results of the two methods. However, a further analysis of covariance indicated that at the .05 level the therapists differed in their levels of effectiveness. This significant difference was beyond that associated with method, even though the therapists had been equated on the central therapeutic skill dimensions of accurate empathy, nonpossessive warmth and genuineness. Rodway attributed this difference to the different lengths of experience which the workers had. The Heimler therapists had had an average of only 1.8 years experience with this method and were not fully trained in all aspects of it while the eclectic therapists had an average of 9.3 years' experience.

Large scale research projects are currently under way at the Kaiser-Permanente Health Centre (91) and at the University of Kentucky (92). Numerous small studies are also in progress including one which is attempting to extract transactional analysis variables from an evaluation of the Scale (93). In preliminary work transactional analysis variables identified on the basis of a Scale evaluation were compared with those which had been identified during the course of

therapy and consultation. Correlation was at the .001 level of significance. Follow-up studies continue.

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The true success is to labour.

Robert Louis Stevenson

Part III

Chapter 6

THE ADMINISTRATION OF THE STUDY

The initial approach to Directors of Social Work and Principal Probation Officers was made by letter. The researcher then visited each area in turn, discussed general aspects of the study with the Director/Principal and later had meetings with team leaders at which the administrative requirements were explained and discussed. After successful negotiation with Directors of Social Work, Principal Probation Officers and Probation Committees a letter was sent to each worker in each area about a fortnight before the researcher visited explaining the outline of the research and again asking for co-operation. It was essential for the success of the study that as high a percentage as possible of workers and probationers from the selected areas participated, and participated in a wholehearted manner. It was necessary, therefore, that the format and content of the study were acceptable, particularly to workers, and that it did not take up too much of their time. It was realised that any overt attempt at 'measurement' of the outcome of probation would be unacceptable, at least to workers, as would any procedure which jeopardised the worker's relationship with the client or required the worker to betray professional confidences.

To overcome the first of these problems the study was designed in

the form of a survey and a form of words devised which while accurately describing the project did not dwell upon assessment of outcome. The hypotheses themselves were not revealed to any member of the Social Work Departments or Probation and After-Care Service.

The privacy of probationers was ensured by asking workers to hand letters from the researcher to probationers whose names appeared on the probation register over the pre-determined period (beginning two weeks prior to the researcher's arrival and continuing for a further six weeks, except in Glasgow where a three month sample was necessary). Workers agreed to expand upon and/or explain further the purpose of the research and to emphasize the confidentiality of any disclosures. Any probationer who did not wish to take part simply indicated this to the worker and the matter was dropped. The researcher did not at any time make initial direct contact with the probationer nor did the researcher ask the worker for any information about probationers. Personal privacy and professional confidentiality were thus respected.

It was made clear to workers that the researcher had no interest in the probation process itself and that neither the probationer's problems nor aspects of his treatment would be discussed. Any such matters or questions which arose were referred back to the worker -

Have you talked to your social worker/probation officer about this? Perhaps you would like to do that?

The Pilot Study

At an early stage of the design of the study it was intended that a control sample, matched on age, previous convictions, type and seriousness of present offence would be drawn from other men appearing before courts in the same areas for similar offences, who had been given some other sentence. It was hoped that this would produce a control group matched on what are usually agreed to be important

correlates of re-offending. Other workers have found that this procedure produced a control group younger and less criminally sophisticated. This did not appear to be the case in Glasgow where an exploratory attempt at drawing a control group was made. However, that it seemed possible to find men of similar age, previous convictions and present offence given some other non-custodial sentence may have been in part due to the very low use which was made of probation in Glasgow during the period of the research. (1) These initial investigations also showed that although it was possible to find such controls the time taken in travelling to each centre where records were held, in searching the records and in seeking missing information made it impractical. This idea was therefore abandoned.

The probationer questionnaire was developed and pre-piloted with probationers (12 in number), adolescents who had been in trouble living in a supervised hostel (30 in number) and non-offenders (12 youth club leaders) in the Edinburgh area. These groups were also used to develop the version of the Osgood Semantic Differential used in the study.

It was originally hoped to include a question on alcohol consumption prior to offending. Unfortunately offenders found it difficult to remember whether or not they had consumed alcohol prior to offences and it was almost impossible for them, or the interviewer, to be certain of the amount of alcohol taken or to judge the effect that its consumption had on behaviour. This question also extended the time taken for the interview. It was abandoned.

The pilot study was conducted in Dundee. Few changes were made to the probationer questionnaire as a result of this but a number were necessary in the worker questionnaire (which could not be pre-piloted in the Edinburgh area as Edinburgh workers were to take part in the study).

It was found, for example, that open-ended questions produced cliché answers, particularly in the case of the GUIDELINES and EMPHASES questions. For example, the question on EMPHASES in probation work almost invariably invoked the response 'Advise, assist and befriend'. This served to underline the need for a study which isolated and defined aims of workers. Another question which needed revision was that upon training. In the pilot study this consisted of a checklist of types of training. It was found that this led to workers checking higher levels of training than they had actually received. Specific questions were substituted from which the researcher codified the level of training.

Sampling Procedure

Examination of the numbers of probation orders made in each area in previous years suggested that the required 100 cases might be achieved by taking all orders made in each area over a two month period. In the event it was found necessary to increase this period to three months in Glasgow where there was a decrease of 50% in the numbers of orders made in 1974 compared with 1973. Peak holiday months and Christmas/New Year periods were avoided lest these included a higher proportion of atypical cases than would occur over the year as a whole.

Administration of the Questionnaire to Workers

Arrangements were made to interview workers at their offices in their teams at times specified by them. At these meetings the project was explained for about twenty minutes and the questionnaires for both workers and probationers distributed and discussed. Reasons for the inclusion of each item were given including a brief definition and explanation of the terms used. The explanation of the question on EMPHASES was a very condensed version of the outline given in Part I

Chapter 3. Questions were invited and answered. Care was taken to ensure that each group was given as nearly as possible the same information in the same form although this intent was sometimes frustrated when workers asked atypical questions or concentrated rather more on one area than on another.

At these meetings participation was again requested and where agreement was received the worker questionnaires were completed. Workers were asked not to confer or to discuss their answers and were encouraged to complete and return the questionnaires then and there but in one or two cases workers insisted on taking them away for completion later. The Probationer Questionnaires distributed for workers' information were collected.

In order that the survey be as complete as possible anonymous questionnaires were accepted as were partially completed questionnaires although this decreased their value. All workers in the areas were asked to participate in the study.

Administration of Questionnaires to Probationers

Probationers who could not be interviewed before their order had been running for one month and/or those who had had more than four interviews with their workere since the order was made were excluded. Meetings with eligible probationers willing to take part in the study were arranged - either by letter or through the worker - at the probationer's home, at the probation office or at any other suitable venue chosen by the probationer. At least three attempts, and in some cases many more, were made to interview each probationer. The interview lasted about one hour.

Because it was considered important that the same conditions prevailed for each probationer and that these conditions were as

conductive as possible to disclosure the administration of the questionnaire was carefully designed and standardised. In six cases it was necessary to interview the probationer in the presence of another person. It is probable that this resulted in less free and/or less reliable disclosure. Information from these interviews was included in the general results but these probationers were excluded from the matched subsamples.

Where possible the researcher arranged chairs of the same height on the same side of the desk as the probationer in order to engender feelings of equality. In offices where this was not possible the probationer was provided with a chair of the same height and in the same position on the opposite side of the desk. A friendly reception and inconsequential comments upon the weather were used to make the probationer feel at ease and to give him time to settle down. An ashtray was provided and probationers invited to smoke if they wished. The researcher introduced the project -

I'm doing a survey of people's ideas about probation. This is to get a general idea of what people think, not to get the views of any particular person. Whatever you tell me will be absolutely confidential. I won't tell your social worker/probation officer or anyone else and when the report is written there will be no way of telling who said what - all the ideas will be collected together and reported as '15% of the people thought this 20% of the people thought that' - just like you see in the newspapers. After I have written down your answers here (showed questionnaire) they will be put into a code and onto a card (showed punch card) like this which only a machine can read. The originals will be destroyed. I hope you will be able to help me because one of the reasons for doing this is to see if people think probation is useful and if there are any ways they think it could be improved. If there are any particular questions which you don't want to answer that's OK. Just say so. *

* Testing of this assertion probably accounted for some of the otherwise apparently reasonless non-responses.

Questions were answered, explanations and further assurances of confidentiality given if required. The researcher then asked -

Could you tell me a little about yourself?

If there was no response the researcher prompted with -

Well, what do you do? Are you working?

A short reflective interview (a part of the Heimler Scale of Social Functioning administration) followed. The researcher then said -

Now, I wonder if we could go through this questionnaire - it is just so that I can get the same information in the same order from everybody. It is not a test, there are no right or wrong answers. I just want to know how you feel about these things in your life.

The HSSF was then administered. This part of the questionnaire was taken first because of its proven efficacy in promoting disclosure and in creating an equitable atmosphere. The probationer was invited to look at the completed questionnaire and to make any changes he wished. There was discussion on items of the Scale only if this seemed necessary to prevent distress.

The Osgood Semantic Differential was administered next. The researcher explained the form of this and completed the first concept with the probationer. After item 5 the researcher said -

You're pretty good at this, aren't you?

At the end of the first concept the researcher asked the probationer if he wished to complete the Differential himself, but made it clear that she was willing to continue. This was done to avoid embarrassing illiterate probationers. At the beginning of the fourth concept (the SELF) the probationer was again invited to complete the concept on his own because it was found in the pilot study that some probationers felt inhibited in making their self-assessment through another person. Where the probationer chose to complete this concept himself the researcher

left the table so she could not see what was being written.

The remainder of the Questionnaire was then presented. Much of the factual information requested at the beginning of the Questionnaire was likely to have been volunteered in response to the HSSF which thus acted as a check on veracity. It was hoped that these neutral, non-threatening questions would establish an information-giving 'set'. After the innocuous beginning there were increasingly sensitive questions on the offence/s which resulted in the probation order being made and on details of the probation order. After each of these items re-assurance was offered and as much discussion as was necessary to convey acceptance and build up rapport. Nevertheless, lest these questions alarmed the probationer ego-boosting questions seeking the probationer's opinions were inserted. Answers to these questions were recorded in the probationer's own words; only later did the researcher classify them according to EMPHASES etc.

The next set of questions constructed a complete offence record. Care was necessary in recording answers in this section because probationers, rather than being reluctant to provide information, were apt to report events twice. Many found it difficult to delineate one year and were not sure, therefore, whether all the offences reported had actually taken place in the past year. In an attempt to help them the researcher suggested relating them to significant events (birthdays, holidays) in the probationer's life. This seemed to improve accuracy but it must be noted that accuracy cannot be guaranteed in the questions on offences in the previous year.

Where there was reluctance to admit any undetected offences the researcher prompted -

Not even getting off the bus without paying your fare?

The combined prompt and check list used is shown in Table 3.5.3.

The final question seeking the probationer's opinion on ways in which probation could be improved, in addition to providing information served to restore any confidence lost through admission of offences. Asking advice was intended to reinforce positive feelings in the probationer. It was important that the probationer left the interview with such feelings because this is desirable in itself and because of the necessity of securing a second interview one year later.

Feedback

In the interval between the first and second visits to the areas workers were sent a summary of the results from the Worker Questionnaire from their own area, a copy of the results from the five areas combined and a copy of the Worker Questionnaire.

Follow-Up Interview with Probationers

One year after the first interviews letters were sent to all workers who had probationers participating in the study giving the dates of the researcher's second visit and asking for co-operation in arranging further interviews. Where probationers had moved, contact had been lost, probationers were in hospital or prison, or were for any other reason out of contact with their workers permission was sought to make a direct approach. This was granted in every case.

Again at least three attempts were made to interview probationers. The form and techniques used at the second interview were similar to the first. Again, the HSSF was administered followed by the Osgood Semantic Differential. At this interview the questions on present living and working conditions had a positive effect because they were invariably seen as an expression of continued interest. There was, therefore, less need for a delicate introduction and build-up to the

questions on offending but there were, in fact, dealt with in exactly the same manner as on the first occasion. That admissions made at the first interview had not resulted in comment or investigation presumably had a re-assuring effect on the probationers and encouraged further frank admission.

Response Rates

Table 3.6.1

In any research it is important to select the sample carefully and to have a high response rate from that sample. If the response rate is low there is a danger that those who did not participate are in some consistent and important way different from those who did. This is particularly important when only a small sample of the population is being surveyed.

Workers

The response rate of 84% for the questionnaire submitted to workers in Scotland and England was satisfactory. The Scottish response rate was lower (80%) than the English (89%) due to the low response rate in Aberdeen. It was suggested to the researcher that because Aberdeen workers had recently co-operated in a project the results of which they found unsatisfactory they were less willing to assist in another venture. That this was the case was borne out by the numbers who expressed antagonism to research in general when asked informally for reasons for non-participation. The second most common reason given for refusal to participate was overwork - and this arose principally in Glasgow where one team leader, for example, refused to allow his team (of two people) to be approached. How far those who refused to participate differed from those who did in variables other than those noted above is impossible to say but it may be that those less interested in and/or less sympathetic to research had less exposure

to it and were unused to making use of research findings. They may have had less education and training. It was also noted that the response rate was lower in teams in which morale appeared low. Defensive reactions were more common in such teams the members of which seemed to use the researcher's visit as an opportunity for cathartic aggression.

Probationers

The response from probationers was surprisingly high only seven refusing the initial invitation to take part. Here tribute must be paid to the workers who made the initial approach: even workers who themselves refused to complete a Questionnaire encouraged their probationers to participate. In fact, only 68% of cases registered were interviewed. Many of the losses were, as might be expected, of probationers with whom worker contact was lost, or had never been established. The greatest loss, however, was amongst those probationers who agreed to be interviewed but who did not make themselves available.

It is likely that the probationers who were not interviewed were less reliable, perhaps more anti-social, disturbed or distrusting, than those interviewed. The performance of those interviewed is, therefore, likely to be biased in the positive direction compared with those not interviewed and the sample is likely to show better results than the population of probationers.

Probationers Re-Interviewed

There was a smaller percentage loss on the second interview. 79% of those first interviewed were reinterviewed. Only two probationers did not wish to be reinterviewed, 17 could not be traced, 15 did not keep appointments and 2 died. This high response rate was in part due no doubt to the fact that the least reliable probationers had not taken part in the first interview.

I grow daily to honour facts more and more and theory
less and less.

Thomas Carlyle

Part IV

Chapter 1

RESULTS OF THE SURVEY OF THE SAMPLE OF WORKERS
AND A COMPARISON OF SCOTTISH AND ENGLISH DATA

This chapter presents the results of the questionnaires for workers. The information is used in later chapters to assess the results of the testing of the second hypothesis which concerned differential outcome of probation in Scotland and England, and the third and fourth hypotheses which concerned ORIENTATIONS and their correlation with probation outcome. Differences between Scottish and English responses are commented upon when $p < .05$ and considered statistically significant at $p < .01$. Chi square is the main statistical test. Tables appear in the order in which they are first discussed. The total number of respondents to each question, which is noted on each table, varies due to idiosyncratic non-response. (As has already been noted incomplete questionnaires were accepted. For example, a number of workers declined to record their ages but otherwise completed the questionnaires. To have excluded these from the survey would have resulted in a loss of data.) The percentages shown are of the number answering the question, not of the total sample, and in the tables are to one decimal place. In the discussion the percentages are rounded to the nearest whole number.

Demographic InformationSexTable 4.1.1

60% of the workers were male and 40% female. When the distribution of workers is broken down by country it is seen that while in both the Scottish Social Work Departments and in the English Probation Service male workers predominated, the Probation Service had the larger proportion. In Scotland males comprised 53% of the total and in England 69%. The difference, using chi square test, is significant at the .001 level.

Traditionally the Probation and After-Care Service employed more male workers. In Scotland the amalgamation of the Scottish Probation and After-Care Service, which also had a predominance of male workers, with other socialwork services, such as child care which were traditionally female fields, may have resulted in the more balanced distribution in the Scottish Social Work Departments.

AgeTable 4.1.2

44% of the Social Work Department workers were under 30 years of age while in the Probation Service the figure was 27%. The Probation Service had a more even distribution with 39% of its workers in the 31 - 40 years age group and 25% in the 41 - 50 years age group. Scottish Social Work Departments had a dearth of more mature workers, only 19% being in the 31 - 40 years age group and 24% in the 41 - 50 years age group. A chi square test suggests that the difference between the Social Work Departments and the Probation Service is statistically significant.

Age by SexTable 4.1.3

Overall the age distribution of workers is balanced in the under 31 years age group but the proportion of female workers dropped in the

31 - 40 years age group. From 41 years onwards male predominated.

There were differences between the Scottish Social Work Departments and the English Probation Service in age distribution broken down by sex. In the under 31 years age group by Probation Service had more male than female workers (17% of the total of the Probation Service sample being in this age group and male compared with 10% in this age group and female) suggesting that the Probation Service was pursuing its traditional policy of employing more male workers. In Scotland in this age group the position was reversed, female workers being more numerous - 26% were female and 19% male.

Grade

Table 4.1.4

There were considerable differences in the distribution of workers according to grade. At first glance it appeared that the Probation Service deployed a considerably greater proportion of its workers as leaders (20% compared with 10%) but it must be noted that in Scotland this smaller proportion of leaders was supplemented in two areas by Seniors (comprising 18% of the work force) who usually carried only small caseloads and who assisted the team leader with administrative and supervisory work. This reduced the numbers available for field work most of which is done by main grade workers. After taking this additional Senior post into account it appeared that Scotland was less well provided for at main grade level. 50% of the Scottish staff were in the main grade compared with 78% in the Probation Service.

In the Scottish Social Work Departments 10% of the work force were trainees while in the Probation Service only 2% were trainees. All areas said that it was not policy to give probation cases to trainees, assistants or auxiliaries. In spite of this 12% of those supervising probation cases in Scottish Social Work Departments were assistants.

The high Scottish figure is largely due to the situation in Glasgow where 22% of the probation cases were supervised by assistants who comprised 66% of the total work force.

The differences between the Scottish and English distributions cannot sensibly be compared due to the different grading systems.

Grade by Sex

Table 4.1.5

Overall there were very few women in team leader positions. This reflected the national pattern. Examination of differences between the Social Work Departments and the Probation Service is complicated by the different grading systems but it seemed that the imbalance of grade by sex was marginally, but not significantly, greater in the Probation Service. In the Probation Service 88% of the 'leader' posts were held by men; in Scotland 85% of such posts were held by men plus 69% of the 'senior' positions. In Social Work Departments 57% of women were in the main grade (although they provided only 47% of the workforce) compared with 93% in the Probation Service (although they provided only 31% of the work force).

Grade by Age

Table 4.1.6

Scottish Social Work Departments appeared to be slightly more venturesome than the Probation Service in appointing younger workers to team 'leader' positions. Otherwise there was little difference between the Scottish Social Work Departments and the Probation Service.

Type and Length of Training

Table 4.1.7

In both countries the majority of workers had opted for training in the type of work in which they were employed. Scottish Social workers had, in general, taken generic social work courses and the English probation workers had undertaken specialised probation training courses.

54% of all workers had one year's training or less with the numbers who had undertaken longer training declining rapidly. There was, however, a slight increase to 10% in the final category - those who had either a degree plus two years' professional training or a specialised social work degree. Scotland appeared to have a greater proportion of less qualified workers, 20% having had no formal training, compared with only 5% in England, but only 5% of all the Social Work Department workers had only nominal training, against 24% in the Probation Service. The proportions with less than one year's training are therefore similar in both agencies, 25% in Scotland and 29% in the Probation Service. Glasgow was particularly poorly served in this respect - 42% of her field work staff fell into the no/nominal training categories.

The Probation Service had a higher proportion of staff with only one year's formal training, 40% of the staff falling into this category compared with only 16% in Scotland. Overall, Scottish Social Work Departments appeared to have a higher proportion of workers with higher qualifications - 29% had a degree plus professional training compared with only 12% in the Probation Service. This difference was statistically significant.

Number of Cases

Table 4.1.8

Comparison of the amount of work done was difficult because the Scottish Social Work Departments used a caseload system while the Probation Service used different workload systems in the two areas. The number of cases held is generally agreed to be an over-simplification which does not truly reflect the amount of work done but this measure had to be used in the survey to allow some comparisons to be made.

The large proportions of workers having fewer than 20 cases is in part due to the fact that the survey took place over the summer months, a period during which workers who were leaving, usually to go on training courses, were running down their caseloads while new workers arriving in the areas were building up caseloads. The mean number of cases was 45 and the main case load group the 41 - 60 cases group.

In both agencies caseloads were considered by both management and workers to be too high. In Glasgow there was in addition a large number of unallocated cases. Overall Scottish workers carried heavier caseloads, 30% of them, compared with only 11% of their Probation Service colleagues, having more than 60 cases, and 9% of them having more than 100 cases, compared with less than 1% of the Probation Service workers. The difference between the Social Work Departments and the Probation Service caseloads almost reached the required level, significance being $p = .02$.

Number of Probation Cases

Table 4.1.9

Overall the number of probation cases carried was small. 19% of workers had no probation cases. The largest proportion (31%) carried between 1 and 5 probation cases and a further 15% had between 6 and 10 probation cases. The mean number of probation cases carried was 8.6%.

As might be expected the numbers of probation cases carried by workers in the two agencies differed. 26% of the Social Work Department workers, compared with 10% of the Probation Service workers, having no probation cases at all, and 17% of the Probation Service workers having 21 or more probation cases compared with only 1% of the Scottish workers. It is, however, interesting that the range is greater in Scotland than in the Probation Service (0 - 65 compared with 0 - 60). The difference between the numbers of probation cases held in the Social Work Departments and the Probation Service was statistically significant.

Number of years' experienceTable 4.1.10

Overall workers had little experience. 24% had less than one year's experience and 47% had less than three years'. Only 17% had more than ten years' experience and a mere 5% more than 20 years'. Comparing the agencies the numbers of staff with less than one year's experience were similar, 29% in the Social Work Departments and 22% in the Probation Service. The proportions with less than three years' experience is 48% in both. The differences were not statistically significant.

PreferencesTables 4.1.11 - 33

Workers were asked to mark their first four work type preferences on a list showing twenty areas of work. These were common to both Social Work Departments and the Probation Service although not necessarily likely to occur in the same proportions. Any preferred work area not listed could be added. Workers were then asked to mark the four types of work which they least liked - and were again given the chance to add any areas not included on the list.

The distribution of preferences for Probation Supervision is shown in Table 4.1.23. Overall 41% of workers did not include it in their rankings. 52% included it as a preference, 6% listed it in the 'least liked' categories. 73% of the Probation Service compared with 35% of the Social Work Department workers put it on their 'preferred work' list. The difference between the Social Work Department and Probation Service workers in preference for Probation Supervision work was statistically significant ($p < .001$). Only .5% of the Probation Service workers compared with 11% of the Scottish Social Work Department workers put Probation Supervision in a 'least liked' category. The distributions of preferences for other work areas are shown in the tables.

Table 4.1.33 shows the number of times each work area was marked in the lists of preferences. Choices of work areas have also been ranked in Table 4.1.33 according to the number of times each area was included. Probation officers' preferences were strongly centred on probation and work areas associated with the criminal justice system. Adolescent problems and family casework were also highly ranked. This is not surprising since it would be expected that those workers with a preference for work with offenders would join the Probation Service.

Although family casework was easily the most preferred work area in Scotland in general the preferences of workers in the Scottish Social Work Departments were more evenly distributed among the work areas than were the preferences of workers in the Probation Service. This reflects perhaps the larger field of responsibility of the Scottish Social Work Departments and the fact that the creation of a generic social work system has not allowed those with a strong preference for a specific area of social work to join a specialised service.

The ranking of Scottish workers' preference for probation and that of the Probation Service workers' (Table 4.1.33) was not very different. In Scotland it is the third most preferred work area compared to the most preferred work area in the Probation Service. It is interesting that the same is not the case with the other work areas associated with the criminal justice system. Parole and after-care work are not popular in Scotland. Workers in both agencies appear to prefer probation work although the weight of this preference is much heavier in the Probation Service.

Groupings of Preferences

Table 4.1.32

It was considered of interest to ascertain the statistical correlations between preferences. (1) Table 4.1.32 shows those

preferences most closely correlated and shows also the correlation of closely associated preferences with other preferences and groups of preferences. The higher the correlation between preferences, the sooner the preferences are linked in the diagram. Thus Parole and After-Care are the most highly correlated preferences and are the first pair of preferences to be united. Probation joins this group at a later stage. This group of three preferences remains discrete until the penultimate level of aggregation. Most other preferences aggregate sooner into larger groupings. It is interesting to note that the parole/after-care/probation grouping units at the penultimate level of aggregation with preferences for types of problems often experienced by offenders.

Guidelines

In this section the relative importance of those principles or guidelines which influenced workers in their day-to-day conduct of probation work was sought. Differences between the two countries were noted. Workers were asked to rank the three guidelines which they considered 'most important' and the two which they considered 'least important'. In the discussion these rankings are collated but the full distribution of responses is shown in the tables. It was originally hoped that particular guidelines would be associated with particular EMPHASES and later with ORIENTATIONS. This did not prove to be the case. The information collected is presented here for its general interest.

Professional Integrity

Table 4.1.34

Overall over 70% of workers considered that Professional Integrity was an important guideline. There was a large measure of agreement between workers in the two agencies. 70% of the Probation Service and

71% of the Scottish Social Work Department workers put it in one of the three 'most important' categories and only 4% of the Probation Service and 2% of the Scottish workers ranked it in the 'less important' categories. The differences were not statistically significant.

Duty to the Court

Table 4.1.35

Almost half of the workers (48%) considered this important and only 7% put it in first place. On the other hand only 5% considered it of 'least importance'. The differences between the countries were small and in the direction which might be expected. 51% of the Probation Service workers and 46% of the Scottish workers considered 'duty to the court' important; less than 2% of the Probation Service workers but over 7% of the Scottish workers considered it of lesser importance. The differences were not statistically significant.

Adherence to Own Moral Principles

Table 4.1.36

Overall only 17% of workers considered their own moral principles an important guideline and 27% ranked these of 'lesser importance'. There was substantial agreement between the agencies. 19% of the Probation Service workers and 16% of the Scottish social workers ranked it as one of their first three choices while 24% and 29% respectively considered it of 'lesser importance'. These differences were not statistically significant.

The Needs of the Client (2)

Table 4.1.37

Overall 95% of workers considered this an important guideline, over 60% ranking it first. 5% ranked it of immediate importance and only one worker (.2%) placed it in the 'least important' category. (This was not a coding error.) There was a slight difference in the rankings in the agencies. 66% of the Scottish workers ranked it as of paramount importance against 53% in the Probation Service but this difference disappeared when the three 'most important' rankings were

combined, 94% of the Probation Service workers and 95% of the Scottish workers including it. This difference was not statistically significant.

Duty to God

Table 4.1.38

Duty to God, once so important in probation work, was included in the 'most important' rankings of only 7% of workers. The distribution of rankings was almost the same in both the Probation Service and the Social Work Departments. The differences were not statistically significant.

Opinion of Colleagues

Table 4.1.39

Only 2% of workers felt that the opinion of their colleagues provided an important guideline in their work. In the Probation Service only .5% of workers ranked Opinion of Colleagues as 'most important' compared with 4% of the Scottish workers. 52% and 53% respectively placed it in the intermediate category and 47% and 43% respectively placed it in the 'least important' positions. The differences were not statistically significant.

The Wishes of Superiors

Table 4.1.40

53% of all workers considered Wishes of Superiors of 'lesser importance'. 47% ranked this item in the Intermediate group and only 1 worker included it as an important guideline. The differences between the agencies were small. 57% of the Probation Service and 49% of the Scottish social workers ranked the guideline as of lesser importance. The difference was not statistically significant.

The Good of Society in General

Table 4.1.41

More than half of the workers (59%) ranked this as an important guideline in probation work. Only 4% considered it of 'least importance'. The Good of Society in General received a spread of rankings but there were no significant differences between the Scottish

social workers and English probation officers. 58% of the Probation workers and 61% of the Scottish workers placed it in the 'most important' groups, 39% and 34% respectively placed it in an intermediate group with only 3% of the Probation Service workers and 5% of the Scottish workers considering it of 'least importance'.

Summary of Guidelines

Table 4.1.42

283 workers (60%) considered the Needs of the Client their primary guideline in probation work. 95% included it as one of the three most important guidelines.

Professional Integrity was the second highest rated guideline, 18% putting it first and 70% including it in their first three choices. The Good of Society in General received the third greatest number of choices; this, although placed first by only 8% of workers, was considered important by 60%.

There were no significant differences between the agencies in the importance workers accorded the eight suggested Guidelines. Acceptance or adherence to these would not therefore account for national differences in the out come of the work.

Emphases

These EMPHASES form the basis for the division into JUDICIAL and CLINICAL ORIENTATIONS discussed in Part I Chapter 4. The following section sets out the responses received and notes differences between the Scottish social workers and English probation officers.

In this question workers were asked to rank four choices out of a total of seven. The statistical test for significant differences between Scottish social workers and English probation officers in the selection of EMPHASES did not take into account the worker's rankings but scored the workers' selections of each EMPHASIS as 'chosen' or 'not chosen'.

DeterrentTable 4.1.43

Overall only 5% of workers felt that probation was primarily a deterrent, 6% in the Probation Service and 4% in the Social Work Departments. However, 22% of the Probation Service workers and 20% of the Scottish social workers felt that it was an element in probation work and included it as one of their four choices. The differences between the agencies are not statistically significant.

Social ControlTable 4.1.44

Workers in both countries saw Social Control as an important EMPHASIS in probation work. 25% of the Probation Service workers and 16% of the Scottish workers ranked it first, 73% of the Probation Service and 66% of the Social Work Department workers including it in their rankings. The differences between the agencies were not statistically significant.

Moral ImprovementTable 4.1.45

Overall 40% of workers felt that Moral Improvement was an EMPHASIS in probation work. 37% of the Scottish social workers and 43% of the Probation Service workers included it as one of their choices. This difference was not statistically significant.

Practical HelpTable 4.1.46

Overall 74% of workers considered that Practical Help was an EMPHASIS in probation work. There was a slight difference in the importance accorded to it, 79% of the Scottish workers including it in their rankings compared with 68% of the Probation Service workers. 16% of the Scottish workers against only 4% of the Probation Service workers ranked it in first place. This difference was statistically significant.

Emotional HelpTable 4.1.47

Overall 92% of workers considered that Emotional Help was an EMPHASIS in probation work, 45% of them ranking it first. The distribution of rankings was similar in both agencies. 47% of the Probation Service workers and 43% of the Scottish social workers felt that it was of primary importance; 93% of the Probation Service workers and 92% of the Scottish social workers included it in their rankings. The difference between the agencies was not statistically significant.

Situational HelpTable 4.1.48

81% of workers saw Situational Help as an EMPHASIS in probation work. Only 10%, however, ranked it first. Situational Help also produced a similar distribution in the two groups of workers. 79% of the English Probation Service workers and 82% of the Scottish workers included it in their rankings. The differences are not statistically significant.

Psychological TreatmentTable 4.1.49

Workers appear to feel that psychological treatment is not a valid EMPHASIS in probation work or perhaps that it is outside their province. Only 21% ranked it, and only 1.5% put it in first place. The difference between the groups was small. 20% of the Probation Service workers and 22% of the Scottish workers included it in their rankings and in both groups the highest percentage placed it in the fourth rank. The differences were not statistically significant.

Summary of EmphasesTable 4.1.50

92.5% of workers included Emotional Help as one of their important EMPHASES in probation work and 80% included Situational Help. Only 20% saw Deterrence as an important EMPHASIS. The difference between the rank ordering in the agencies is small. The Spearman Rank Order

Correlation Coefficient is .9.

Workers agreed upon the first two rankings - Emotional Help and Situational Help, but the Scottish workers placed Social Control fourth and Practical Help third while their English colleagues reversed these rankings. In both countries Moral Improvement was ranked fifth and there was again a reversal of sixth and seventh positions, Scottish workers placing Deterrence sixth and Psychological Treatment seventh, with the Probation Service workers reversing these. It would seem, therefore, that differences in the importance attached to individual EMPHASES are small, and therefore unlikely to account for any differences in outcome.

Previous Employment

Table 4.1.51

All those Scottish workers who were employed in social work prior to 1968 had, of course been employed in a specialised service but the differences in previous employment between workers in the two agencies were less than might have been expected. 10% of the Scottish workers had at some time been previously employed in a Probation Service, 49% of these in the Scottish Probation Service. English Probation workers too had a variety of previous social work experiences. The small differences which existed seem unlikely to account for differences in outcome.

Osgood Semantic Differential

Workers were asked to complete an Osgood Semantic Differential. This was discussed in Part III Chapters 4 and 5.

Working

Tables 41.52 - 54

Only 3% of workers rated Working negatively (a score of 27 or less) and a further 3% placed a neutral value (a score of 28) on it. Thus the majority rated it positively with increasing numbers rating it

increasingly positively up to a score of 43, the rating given by 8% of workers. 26% rated Working even more highly 4% giving it the top score of 49. From this it must be deduced that most workers felt positively towards the concept of Working.

Differences between the Scottish Social Work Department workers and Probation Service workers are small. The Scottish workers' range (15 - 49) is slightly greater than that of the Probation Service workers (22 - 49) but this greater range was caused by only two scores.

Law and Authority

Tables 4.1.55 - 57

5% of workers rated Law and Authority negatively and a further 4% gave it a neutral score. This means that 91% rated Law and Authority positively - but only 1% gave it the top rating of 49. The modal rating was 40, the rating of 8% of workers, with a rapid decrease in numbers rating it more positively. Scottish Social Work Department workers again produced a greater range than the Probation Service workers but the differences between agencies are small.

Probation

Tables 4.1.58 - 60

The large range (7 - 49) suggests diversity of opinion on the benefit of Probation but in fact only 1% of workers rated it negatively with 2% taking a neutral stance. The majority therefore rated it positively, the modal score being 40. 2% of workers gave Probation the highest rating (49) suggesting a high degree of satisfaction.

Differences between Scottish social workers and English probation officers' perceptions of the concept of Probation are similar with the Probation Service workers having a slightly higher number giving it a high score (more than 45), 11% of the Social Work Department compared with 14% of the Probation Service workers.

Self

Tables 4.1.61 - 63

It will be noted that an increased number of workers declined to complete this section and that a further 5% (24 workers) scored the neutral 28. This may have been, for some of these workers at least, a tacit refusal to complete the section. The remainder were reasonably evenly distributed over the positive section of the scale up to the score of 42, above which only 11% scored. Only 5% scored above 45 and only 4% had a negative self image.

The differences between the Scottish Social Work Department workers and the Probation Service workers are few. Only 3% of the Scottish workers and 5% of the English workers appeared to have a negative self image, around 10% in both countries marking the neutral point. The modal score in Scotland was 34 and in England 36.

Summary of Osgood Semantic Differential Results

It would seem that the attitudes of the Scottish Social Work Department workers and the Probation Service workers are, on these four concepts, sufficiently alike to make it improbable that differences in effect of the two agencies are caused by differences in the attitudes of workers.

Summary of Comparison of Samples
of Workers in Scotland and England

These surveys of samples of social workers in Scotland and probation officers in England and comparison of the results suggests that there are few differences between the groups. On the whole there are greater differences within the groups than between them.

In only a small number of cases were the differences statistically significant. There was, for example, a statistically significant difference in the distribution of workers by sex, there being more

females in the Social Work Departments than in the Probation Service. In age also there was a statistically significant difference. The Social Work Departments had a higher proportion of workers in the 22 - 30 years age group. The Probation Service had a higher proportion of workers in the 31 - 40 years age group. The distribution by age by sex also differed. The proportion of female workers in Scottish Social Work Departments dropped much more sharply than in the Probation Service in the 31 - 40 years age group. Even allowing for differences in the grading systems in the agencies there appeared to be differences in the distribution of workers by grade. Scottish Social Work Departments had a higher proportion of trainees and the Probation Service a higher proportion in the main grade. Workers were generally employed in the field for which they had been trained, that is, those in the Social Work Departments had had a social work training and those in the Probation Service had undertaken probation training.

When length of training was compared the Probation Service was found to have a higher proportion of workers with one year's training, the Social Work Departments a higher proportion of workers with no formal training and workers with higher educational qualifications.

Scottish Social Work Department workers had higher caseloads than their Probation Service colleagues. As would be expected probation officers had more probation cases than did social workers. When experience was examined little difference was found between the agencies.

In both Social Work Departments and the Probation Service probation work was ranked high on the list of preferred types of work; this suggested that there was little difference in interest in or commitment to it. Similarly, there was little difference in the importance workers placed on the eight GUIDELINES or the importance they attached

to the EMPHASES. Attitudes to Work, Law and Authority, Probation and Self, as measured by the Osgood Semantic Differential, appeared similar.

From these results it was concluded that before testing the other hypotheses it would be desirable to ascertain the relationship of those factors in which there were significant differences - sex, age, grade and length of training - to probation outcome.

Notes

- 1 Difficulty was experienced in running a cluster analysis for this on the Edinburgh computer. David Muxworthy of the Program Library, University of Edinburgh, was consulted: he referred the problem to Health Sciences Computing Facility, University of California at Los Angeles and in collaboration with them designed a programme for the cluster analysis of the variables using a version of BMDPLM. David Muxworthy, to whom thanks are due, also suggested the form of presentation of the data.
- 2 It is recognised that there is an unfortunate ambiguity in this GUIDELINE in that it may be interpreted as 'The Needs of the Client as perceived by the Client' or 'The Needs of the Client as perceived by the Worker'. The researcher had in mind the former but that the latter interpretation contributed to the high inclusion rate cannot be discounted.

My son, be admonished: of making many books there is no end,
and much study is a weariness of the flesh.

Ecclesiastes 12:12

Part IV

Chapter 2

RESULTS OF THE SURVEY OF SAMPLE OF PROBATIONERS
AND COMPARISON OF SCOTTISH AND ENGLISH DATA

In this chapter the presentation and discussion of the results of the samples of probationers is conducted in the same manner as that of the workers. Differences between Scottish and English probationer samples are highlighted in the course of the description.

Demographic InformationAgeTable 4.2.1

More than half the men in the sample (54%) were between 17 and 21 years of age when the order was made. The numbers between 22 and 30 years (17%) and between 31 and 40 years (18%) were similar but there was a rapid decrease in the numbers in the older age groups. Distribution in Scotland and England differed, Scotland having a slightly higher percentage (60%) in the 17 to 21 years age group than England (49%) and Scotland having a lower percentage in the 22 to 30 years age group. These differences were not statistically significant.

Marital StatusTable 4.2.2

Single men were the largest group (59%) followed by those who were married (21%) plus those who were co-habiting (3%). The distributions in Scotland and England were almost identical.

Numbers of Children SupportedTable 4.2.3

Over 70% of the probationers did not contribute to the maintenance of any child; the vast majority of these said that they did not have any children. 6% supported one child, 10% supported two children. A rather larger percentage (77%) of Scottish probationers than English (67%) did not support any child but there was no statistically significant difference between the distributions.

Living ArrangementsTable 4.2.4.

The majority of probationers (62%) lived with their families; a further 12% lived with members of the extended family. Fewer English probationers (54% compared with 71% in Scotland) lived with the nuclear family; a greater percentage of English probationers lived with others or in hostels (26% compared with only 6% in Scotland). The difference in the Scottish and English figures was statistically significant.

Social Class (Registrar General's Classification)Table 4.2.5

Social class was ascertained from probationer's description of his work classified according to the Registrar General's Classification. 46% of the probationers appeared to be in social class 5 - unskilled - with those in social class 3B - skilled manual worker - comprising the next largest group (25%). The distributions in Scotland and England were almost identical.

Work StatusTable 4.2.6

Only 55% of probationers were employed at the time of the first interview. 36% were unemployed and a further 9% were unable to work due to hospitalization etc. There was no statistically significant difference in the number of probationers in Scotland and England in work, nor in the numbers to whom the question did not apply because of incapacitation or institutionalization. Marginally more Scots (39%) than English (33%) were unemployed.

Length of time since last workedTable 4.2.7

44% of probationers were out of work. 4% of these had been unemployed for less than two weeks. A further 24% had been unemployed for less than six months. Only 3.5% had been unemployed for more than two years. The Scottish and English distributions were very similar and the differences not statistically significant.

Number of jobs in last yearTable 4.2.8

Only 18% of probationers said that they had not worked at all in the previous year. 30% claimed to have held the same job for the whole of that year, and a further 21% claimed to have had only two jobs. It would seem, therefore, that few probationers in the sample changed jobs frequently. Although over 30% claimed to have had three or more jobs it must be borne in mind that some of the probationers worked on building sites etc where short term casual labour, or short term engagements, are common. For this reason the total time in employment may be a better guide to stability than the number of jobs held.

Rather more Scots than English claimed to have been in the same job all year and rather fewer claimed to have had two jobs but the differences are small and not statistically significant.

Longest Time in Any One JobTable 4.2.9

More than 60% of probationers had not held any job for more than two years (but 32% of the sample were aged 18 years or less and therefore were not available for employment for two years). However, 4% had never worked and a further 17% had not been in any one job longer than 6 months. At the other end of the scale 24% of the probationers claimed to have held the same job for more than four years. The distribution was similar in Scotland and England: the differences were not statistically significant.

Note

In the following items (Tables 4.2.10 - 4.2.13) the probationer's perception of the offences which resulted in the probation order being made is taken in preference to the official record because it was considered that the probationer was more likely to accurately report the number of incidents (for example, taking away cars) involved rather than the number of charges (which in a car theft, for example may total 7 or 8) or the number of findings of guilt (some charges resulting from an incident may be dropped for technical reasons or may result in acquittal or some other disposal).

Probation OffencesTable 4.2.10

42% of probationers said they were on probation for theft or house-breaking. 13% said they were on probation for assault and a further 10% claimed to be on probation for sexual assault. There was a difference (significant at the .05 level) in the types of offences for which Scottish and English probationers claimed the orders were made. In Scotland 23% of the men said they were on probation for assault whereas in England only 6% were in this category. The figures are 32% in Scotland and 18% in England if sexual assault is included. 61% of the English probationers compared with only 36% of the Scots said they received the order after a 'crime of dishonesty' - housebreaking, theft or fraud.

Number of Offences Involved when Order was MadeTable 4.2.11

48% of probationers reported that they were placed on probation after having been found guilty of one offence (one incident). A further 19% reported that they had been found guilty of two offences (two incidents). 2.5% of probationers believed that 9 or more offences (incidents) had been involved. The distribution of the numbers of offences was almost the same in Scotland and England and the differences not statistically significant.

Total Seriousness Table 4.2.12
(of incidents probationer perceived as resulting in probation order)

The difficulties of measuring 'seriousness' of offending were discussed in Part III Chapter 5 and the limitations of the Seriousness Indicator were explored.

Overall 57% of the men had committed offence/s with a seriousness score of between 1 and 5. A further 23% had committed offences with a total seriousness of between 6 and 10. The differences between Scotland and England were very small and not statistically significant.

Seriousness Quotient Table 4.2.13
(of incidents probationer perceived as resulting in probation order)

The Seriousness Quotient was explained in Part III Chapter 5.

36% of the men had committed offences which produced a Seriousness Quotient of 1. 53% had a Seriousness Quotient of between 1.001 and 4.999. Only one had a Seriousness Quotient of more than 12, and only 10% of 10 or more.

Probation orders appeared to be made for more serious offences in England. In Scotland over 50% of the probationers had a Seriousness Quotient of 1 compared with only 25% in England, and 41% of the English probationers had a Seriousness Quotient of between 5 and 5.999 compared with only 26% in Scotland. This difference was statistically significant. (p < .001)

Length of Probation Order Table 4.2.14

Almost 70% of the orders were for two years. 18% were for one year and 12% for three years. There were differences between countries, 27% of the Scottish orders being for one year compared with only 10% of the English. However, the bulk of orders in both countries were for two years (65% in Scotland, 73% in England) with the smallest proportion being for three years. The number of three year orders in England (16%)

was double that for Scotland. These differences were statistically significant. ($p < .01$)

Special Requirements on Probation Order

Table 4.2.15

While the numbers of orders with special requirements were almost identical in Scotland and England there were differences in the requirements. In England more than four times the proportion of offenders were asked to make restitution (22% compared with 5% in Scotland) while in Scotland more than double the English proportion was required to undergo treatment - usually psychiatric treatment. These differences were statistically significant. ($p < .001$)

Age at first Trouble with Police
(even if no subsequent prosecution)

Table 4.2.16

Overall the answers given by the samples of probationers reinforces the view that early contact with police is associated with continued involvement. Over 60% of the probationers were first in trouble with the police before the age of 16 years, 4% in Scotland and 7% in England reporting first contact when under the age of criminal responsibility (8 years in Scotland and 10 years in England). There were only a small number of first contacts after the age of 21 years.

A larger percentage of English probationers (58%) than Scottish (47%) had first contact when in the 10 to 16 years age range and fewer (16% compared with 29%) when aged 17 to 21 years. These differences were not statistically significant.

Number of Previous Convictions Reported

Table 4.2.17

18% of the probationers claimed to have no previous convictions and 12% claimed to have only one while at the other end of the range one man claimed to have 83 previous convictions. However, only 16% claimed 11 or more previous convictions. The differences between Scotland and England are small and although not statistically significant

it is interesting to note that double the percentage of Scottish (25% compared with 13%) probationers claimed to have no previous convictions.

Number of Previous Convictions Recorded
in Local Criminal Records

Table 4.2.18

The largest group (24%) had no previous convictions recorded. 38% had between 1 and 5 previous convictions. Although the range was large (0 - 92) only 10% had more than 20 previous convictions and only 2.5% had 41 or more previous convictions.

30% of the Scottish probationers, compared with only 18% of the English, had no previous recorded convictions. The difference between convictions is statistically significant at the .05 level. The English have a higher number of probationers with previous convictions. Most of these were in the 1 to 5 previous convictions group, only 31% of the Scottish compared with 43% of the English probationers having between 1 and 5 previous convictions. There is little difference in the numbers with 7 or more recorded previous convictions.

Comparison of Reported and Recorded Convictions

Table 4.2.19

The most notable difference, seen in the graphs, is in the range (the greatest number of previous convictions reported being 83, the greatest number recorded 92) but generally the concordance is more surprising than the differences. The graph of recorded convictions peaks at 3 and the reported peaks at 4. Overall the differences are insignificant.

Correlation of Convictions Reported
with those Recorded in Local Criminal Records

When the self-reported and recorded convictions of individual offenders were compared the correlation was .62 for Scotland and .76 for England. There were two cases in Scotland and three in England in which there were large discrepancies between the reported and recorded number of convictions. These values were removed.

Further examination of individual cases suggested that misreporting could in many cases have been due to genuine misunderstanding. Many probationers appeared to have reported (accurately) the number of appearances at court, or the number of disposals, rather than the numbers of convictions. Cases where there were obvious attempts to deceive were few (but not non-existent - one man ingeniously doubled the time he had been held in a state hospital and (accurately) discounted all offences committed in the 'extra' period). Some apparent over-reporting seemed likely to have been due to recording failures - particularly likely where very minor offences were involved.

When the reported and recorded data were summarized by number of offences committed by probationers the summaries showed a high correlation (Table 4.2.19) .75 for Scotland and .74 for England, .91 overall. The total number of convictions reported was 1,143 by a total of 172 respondents, and the total number recorded was 1,124 for the 161 probationers for whom records were found.

Most Common Type of Previous Conviction Reported Table 4.2.20

The most common type of previous conviction reported was theft (26%) with housebreaking adding an additional 12%. The next largest group was of nuisance offences (20%). Only 10% of the sample claimed convictions for assault, of which only 3% were claimed to be sexual assault.

There were a number of differences between the countries. As has been noted a larger percentage of Scottish probationers claimed to have no previous convictions. Scotland had three times the percentage who claimed that their most common offence type was assault (but no Scottish probationer claimed that sexual assault was his most common type of offence compared with 5% making this claim in England). The

percentage of English probationers who claimed that theft was their most common type of offence was double the Scottish whereas the Scottish nuisance/drink/drugs category produced double the English figures. These differences were significant at the .05 level.

The differences in previous convictions between Scottish and English probationers are similar to the differences noted earlier between the offences which led to the probation order being made.

Most Common Type of Previous Conviction
Recorded in Local Criminal Records

Table 4.2.21

Table 4.2.21 shows the most common type of previous conviction recorded in the Local Criminal Records. The correlation of most common types of offences in Scotland and England is .83 which suggests that overall there is little difference in types of reported and recorded convictions. Theft (and sexual assault) seem to be under-reported and nuisance offences over-reported. Whether this latter category was used as an 'escape' response by those who wished to report accurately but were not willing to give details of more embarrassing offences or is caused by misunderstanding of the charges it is impossible to say. A larger proportion of the English probationers had previous convictions for sexual assault recorded in the Local Criminal Records. The apparent greater use of probation orders for sexual offenders in England suggested in the self-reported data appears to be substantiated by the recorded data. The almost significant difference between types of previous convictions found in the self-reported data are mirrored in the recorded data in which the level of significance is .10.

Previous Convictions Reported : Seriousness

Table 4.2.22

Although there is a wide range when the 'seriousness' of all previous convictions is summed (1 - 332) 60% of the probationers' previous offences Seriousness Score is 10 or less, almost 80% having a

score of 25 or less. The vast majority of probationers appear, therefore, to be minor offenders. The distribution of Seriousness Scores is similar in Scotland and England with a correlation coefficient of .90.

Previous Convictions Recorded : Seriousness

Table 4.2.23

53% of probationers had an estimated recorded previous convictions Seriousness Score of 10 or less, and 77% of 25 or less. The small discrepancy between the reported and the recorded seriousness may well be due to the fact that convictions for very minor offences may not be recorded and that the percentage with greater seriousness is therefore proportionately higher. The correlation coefficient of the Scottish and English probationers' Seriousness Scores is .80 which suggests that there is little difference between the countries. The only apparent difference arises for those probationers with no Seriousness Score, that is, those probationers with no previous convictions. As has been noted fewer English probationers had no previous convictions.

Estimated Seriousness Quotient of
Reported Previous Convictions

Table 4.2.24

The majority of probationers appeared to be minor offenders. The Seriousness Quotient of almost 40% is between 1 and 2, and of between 1 and 3 for 54%. (A further 19% had no previous convictions.) Less than 18% of the probationers had a Seriousness Quotient of more than 5. From this it appears that most of the probationers in the sample had committed only minor offences, most of little more than nuisance status. Only 2% had committed very serious offence/s.

Reported Number of Times Penalties Imposed

Discharged/admonished/warning/bound over/caution

Table 4.2.25

Reported 37% of probationers had previously received one of these disposals, 15% on more than one occasion. Almost the same percentages

of Scottish and English probationers had such a previous disposal.

Comparison of Reported Disposals with LCRO data Overall there appeared to be slight under-reporting of this disposal although it is possible that in some cases a discharge etc on one of a number of perhaps associated charges was overlooked by probationer. Such an explanation is, however, confounded by the fact that these disposals were slightly under-reported in Scotland but over-reported in England. The differences are small and not statistically significant.

Approved_School/List_D_School

Table 4.2.26

Reported Only 12% of probationers, 8% in Scotland and 16% in England, reported that they had spent time in an approved/List D school.

Comparison of Reported Disposals with LCRO data There are fewer recorded than reported cases. Rather more English probationers claimed to have spent time in approved schools than have this recorded. Differences may be due to recording failures and it must be borne in mind that some probationers who had spent more than one period in an approved/List D school found it difficult to distinguish between two such disposals and one disposal and a recall.

Suspended_Sentence/Deferred_Sentence

Table 4.2.27

Reported 23% of the probationers claimed to have had such a sentence. The differences between Scotland and England are small and not statistically significant.

Comparison of Reported Disposals with LCRO data Only 9% of probationers had such a disposal noted in the Criminal Records. It is possible that the discrepancy is due to non-recording of minor offences. Some probationers may have confused strongly worded warnings from the bench as a suspended or deferred sentence.

Driving Licence Endorsed

Table 4.2.28

Reported 15% of the probationers claimed that their driving licences had been endorsed at some time, . Taking into account that 54% of the probationers were under 22 years of age and therefore were eligible to have held licences for only a short time this seems high. Unfortunately questions to ascertain the numbers holding or having held driving licences and the lengths of time which these had been held were not included in the questionnaire because this would have made it unduly long. The differences between Scotland and England were small and not statistically significant.

Comparison of Reported Disposals with LCRO data Again there was a slight excess of reported over recorded instances of this disposal but the difference is not significant.

Banned from Driving

Table 4.2.29

Reported 13% of the probationers said that they had been banned from driving at some time. The differences between Scotland and England were small and not significant.

Comparison of Reported Disposals with LCRO data The excess of three cases of self-reported over recorded instances of this disposal occurred in Scotland. The difference may well have been due to recording failures.

Attendance Centres (including 1 Community Service Order) Table 4.2.30

Reported Only 1 probationer had had a community service order (in one of the experimental areas in England) and only 1 in Scotland and 10 in England claimed to have attended Attendance Centres.

Comparison of Reported Disposals with LCRO data There is little difference in the reported and recorded figures: differences may be accounted for by non-recording, either accidental or because the offence

was small or because the probationer was young at the time of the order. Records of convictions incurred before 16 years are not necessarily retained with the criminal record.

Fines

Table 4.2.31

Reported 61% claimed to have been fined previously, 42% more than once. There was little difference between the countries.

Comparison of Reported Disposals with LCRO data The differences between reported and recorded figures were small.

Probation (prior to present order)

Table 4.2.32

Reported 30% of the probationers had a previous probation order; the difference between the countries was not statistically significant.

Comparison of Reported Disposals with LCRO data The differences between the reported and recorded figures were small.

Detention

Table 4.2.33

10% of probationers reported that they had been in a Detention Centre. Differences between Scotland and England were not significant.

Comparison of Reported Disposals with LCRO data The total figures reported seemed reasonable when compared with the recorded figures but there was a discrepancy in the numbers reporting more than one such disposal. More detailed examination of the records suggested that some of these sentences were served concurrently and were included with another sentence by the probationer but of course recorded as separate sentences.

Borstal

Table 4.2.34

Reported Less than 10% of the sample claimed to have received Borstal training. The national differences were not significant.

Comparison of Reported Disposals with LCRO data There was slight over reporting. Some of this may have been due to probationers' inability to distinguish between a sentence and a recall.

Prison/Young Offenders InstitutionsTable 4.2.35

Reported 23% of the respondents reported serving a sentence of imprisonment, 21% in Scotland and 25% in England. The difference between the countries is not statistically significant.

Comparison of Reported Disposals with LCRO data The number of probationers who reported serving a sentence of imprisonment is almost the same as that recorded but the number of sentences served is not so closely in accord. The local Criminal Records Office data suggested that more probationers served more than one such sentence than is reported. Part of this discrepancy may be due to the fact that sentences served concurrently were reported as one sentence but recorded individually.

Summary Comparison of Reported and Recorded Previous Disposals

		1 or more disposal	
		<u>Reported</u>	<u>Recorded</u>
1	Discharged/admonished/warning/ bound over/caution	64	68
2	Approved school/List D school	22	12
3	Suspended sentence/deferred sentence	40	16
4	Driving licence endorsed	26	25
5	Banned from driving	22	13
6	Attendance Centre/Community Service Order	16	11
7	Fines	101	92
8	Probation	52	41
9	Detention	18	19
10	Borstal training	15	12
11	Imprisonment	40	32

It seems reasonable to conclude from that that the self-reported

data was reasonably accurate and that in very few cases was there deliberate intent to deceive.

Convictions in year Prior to Study
Criminal Records figures

Table 4.2.36

Because of the difficulty probationers experienced in delineating one year past and because in a number of cases the offence/court apparance/sentence spanned this division the figures used here are from the local Criminal Office records. There are not congruent, therefore, with those in Tables 4.2.25 to 4.2.35.

45% of the probationers had a recorded conviction in the year prior to the study; 17% had one conviction and 13% had two. Less than 5% had six or more convictions. The difference in number of convictions in the year prior to the study between Scottish and English probationers was small. 49% of the Scottish and 43% of the English probationers had no recorded convictions. Less than 6% of the Scottish and less than 4% of the English had six or more recorded convictions. The differences were not statistically significant.

Most common Type of Offence for which Convicted
in Year Prior to Study

Table 4.2.37

Theft was by far the most common type of offence for which the sample of probationers had been convicted in the previous year - 16%. This was almost double the next largest category - nuisance crimes - for which 9% of the probationers had been convicted.

The differences in types of offences for which probationers in Scotland and England were convicted are interesting. While in the previous year in both countries the largest proportion of probationers had been convicted of crimes of dishonesty (21% in Scotland and 42% in England) a substantially larger proportion in Scotland (16% compared with 3%) had been convicted of nuisance offences. The differences are

are statistically significant although for computational reasons the data had to be aggregated. (1)

Scottish courts appeared to have favoured probation when previous offences included nuisance offences whereas English courts appeared to put those previously convicted of housebreaking on probation. However, because of the limited numbers in the sample and because the survey was conducted in only five areas no conclusions can be drawn from these differences.

Total Seriousness of Convictions in
Year Prior to Study

Table 4.2.38

56% of the probationers had no recorded convictions in the year prior to the probation order being made. 27% had a total estimated Seriousness Score of 5 or less and a further 8% of 10 or less. The means that only 10% had an estimated total Seriousness Score of 11 or more. The majority of probationers had not been serious offenders.

Differences between the Scottish and English samples are small. In Scotland rather more (31%) had a low (between 1 and 5) estimated Seriousness Score than in England (22%) with only 9% of the Scottish compared with 11% of the English sample having an estimated total Seriousness Score of 11 or more. The differences were not statistically significant.

Undetected Offences

Table 4.2.39

Only 22% of the respondents claimed to have committed no illegal acts other than that/those which resulted in the probation order being made. 7% claimed to have committed 99 or more such acts. The mean number of undetected offences was about 20.

Fewer English probationers than Scottish claimed to have committed undetected offences, the Scottish mean being about 21 compared with the English mean of about 19. The difference between the Scottish and

English responses was statistically significant but this significance disappears when the numbers of delinquencies are grouped, suggesting that the differences are not real.

Most Common Type of Undetected Offences

Table 4.2.40

Crimes of dishonesty (housebreaking, theft, fraud) again made up the greatest proportion (32%) of offences with those for nuisance offences forming the second largest group being the most common offence for 17% of the probationers. These were closely followed by assault, including sexual assault, which was the most common type of undetected offence for 16% of the respondents.

Differences between Scotland and England are small, the only category in which there was a substantial difference being the nuisance group which was reported by 27% of the Scottish sample but by only 10% of the English sample as the commonest type of offence. This difference was almost statistically significant. ($p < .02$)

Comparison of Most Common Detected Offences with Most Common Undetected Offences

It is interesting to compare the relationship between the proportions with no recorded previous convictions and the proportion with undetected delinquencies. (Tables 4.2.18 and 4.2.39) In Scotland a larger proportion (30%) had no recorded previous convictions and a larger proportion claimed undetected delinquencies (87%). In England a smaller proportion (18%) had no previous recorded convictions and a smaller proportion claimed undetected delinquencies (71%). It may be that the larger proportion of Scots with no previous convictions is a result of a lower detection rate in Scotland.

When the most common types of undetected offences are compared with the most common type of previous convictions (Tables 4.2.4 and

4.2.21) it appeared that there were rather more assaults (but not sexual assaults) than there are convictions for assault. Undetected house-breaking and theft are less common, but undetected fraud is more common.

Estimated Total Seriousness of Undetected
Pre-Probation Order Offences

Table 4.2.41

22% of the sample claimed no undetected pre-probation order offences. A further 29% reported pre-probation undetected offences which gave a total Seriousness Score of between 1 and 10. The range of claimed pre-probation undetected offences was large with 12% of the sample reporting undetected offences which gave a total Seriousness Score of greater than 100. A larger percentage of the Scottish sample (40% compared with 20%) were in the Seriousness range 1 - 10. The differences were almost statistically significant ($p < .05$). (2)

Total Seriousness Score of Undetected Pre-Probation
delinquencies compared with Pre-Probation Order
Reported Convictions

Table 4.2.41 & 22

When the apparent total seriousness of pre-probation order convictions are compared with pre-probation order undetected delinquencies the spread in the undetected offences appeared to be slightly greater than in the convicted, only 29% being in the 1 - 10 total Seriousness Score range compared with 42% of the convictions. The difference is greater in England than in Scotland but not statistically significantly so.

Estimated Seriousness Quotient of Undetected Offences Table 4.2.42

Only 4% of the sample had an undetected offences Seriousness Quotient of 1, but a further 35% had a Seriousness Quotient of between 1.001 and 1.999. In all, 63% of the respondents had a Seriousness Quotient of 5 or less. If to this is added the numbers who claimed no undetected offences (22%) it might be concluded that the majority of the respondents had committed only minor offences.

Scotland had a greater proportion (almost half the sample) in the 1.001 to 1.999 Seriousness Quotient group compared to only 24% in England but this difference was attenuated when all offenders with a total of zero and between 1 and 1.999 were collated (68% in Scotland and 57% in England) which while sustaining the view that more Scottish probationers are less serious offenders the difference is reduced. The difference between the Scottish and English Seriousness Quotients for undetected delinquences was statistically significant. ($p < .01$)

Comparison of Seriousness Quotients of Pre-Probation
Order Undetected Offences with Seriousness Quotients
of Reported Pre-Probation Order Convictions Tables 4.2.42 & 24

A larger proportion in both Scotland and England had an undetected delinquency Seriousness Quotient in the range 1.001 to 1.999. For undetected delinquencies 35% fell into this category while for previous convictions 4% were in this category. This difference disappears however if those probationers with a Seriousness Quotient of 1 are included in this group and is a result of the system of measurement.

Length of Time Since Last Conviction Table 4.2.43

19% of respondents had no previous convictions. Four or more years had elapsed since the previous conviction in almost 12% of cases. However, 23% had had a conviction in the previous 6 months and a further 17% in the previous year. Almost 50% of the sample had had a conviction in the previous 18 months. This would seem congruent with the finding that offenders are most at risk in the period immediately after conviction.

A larger number of Scottish than English probationers appeared to have had no previous convictions (27% compared with 13%). The proportions with a conviction in the previous 18 months are practically the same. This means that rather more of the English probationers

had had a previous conviction in the more distant past.

Time at Liberty during Year Prior to Probation Order Table 4.2.44

Almost 90% of the sample were at liberty during the whole of the year prior to the probation order being made. Only 2% were not at liberty at all during that year - due to hospitalization, incarceration etc - and a further 7% were at liberty for six months or less. The proportions free during the whole year were slightly lower in Scotland (86%) than in England (93%) with only 1% of the English sample compared with 4% of the Scottish not being at liberty for any of the year. The difference is not statistically significant.

Perceived Purposes of Probation

Probationers were asked what they thought probation was 'meant to do' in an attempt to measure perceptions and expectations of the system. The answers were recorded in detail and later categorized according to the EMPHASES. In the tests for statistical significance the data has been grouped into three categories: 'mentioned first', 'other mention', 'not mentioned'.

Deterrent

Table 4.2.45

Few probationers expressed the view that probation was intended as a deterrent to further offending. 76% did not mention it at all and only 12% deterrence as probation's primary purpose. The EMPHASIS was mentioned more often in Scotland than in England, 20% of those in Scotland (all in Glasgow) compared with only 5% of those in England mentioning it as the primary purpose. This difference was statistically significant. ($p < .01$)

Social Control

Table 4.2.47

65% of the sample saw probation as some kind of Social Control. 40% in both countries perceived this as the main aim. Differences

between Scotland and England were not statistically significant.

Moral Improvement

Table 4.2.48

Few (12%) probationers mentioned any form of Moral Improvement, only 4% seeing this as the primary purpose. The differences between Scotland and England were not statistically significant.

Practical Help

Table 4.2.49

A large number of probationers (58%) expected Practical Help; 20% saw it as the primary purpose of probation. The national differences were small and not statistically significant.

Emotional Help

Table 4.2.50

Almost half of the sample expressed views categorised as expectations of Emotional Help. The numbers were slightly greater in England than in Scotland but the difference was not statistically significant.

Situational Help

Table 4.2.51

Few probationers saw Situational Help as a purpose of probation, only 23% mentioning it at all and only 5% putting it in the first place. Rather more English than Scottish probationers saw it as a primary purpose. The difference here was almost statistically significant.

($p < .02$)

Psychological Treatment

Table 4.2.52

Only 6% of the probationers perceived probation as an attempt to render Psychological Treatment. The differences between Scotland and England were small and not statistically significant.

Comparative Ranking of Perceived Purposes of Probation

Table 4.2.53

At the first interview Social Control was ranked as the perceived primary intention of the probation order in both countries with Practical Help ranked second, followed by Emotional Help. Situational Help came fourth by English probationers who put Deterrence in fifth place. The

order of these last two was reversed in Scotland. In both countries Moral Improvement ranked sixth and Psychological Treatment last.

Probationers Suggestions for Improving
Probation System

Table 4.2.54

Probationers suggestions for improving the probation system were interesting but in general provided little new information. The most striking thing about the suggestions was their similarity to comments of workers in their coffee rooms!

The greatest percentage (9%) wanted help with employment. The difference between Scotland and England here was large, 16% of the Scottish but only 4% of the English probationers mentioning it. This may have reflected the poorer employment situation in Scotland and/or it may have meant that English workers were making greater efforts to help probationers find work.

In both countries a number of probationers mentioned that more probation workers should be employed (8% overall, 9% in England and 7% in Scotland). This did not necessarily mean that more contact was desired. In that there were national differences. More Scottish probationers wanted more contact and more wanted less contact. Amount of contact seemed less important to English probationers. This may mean that Scottish probationers were in general less satisfied with their workers (this corroborated perhaps by the finding that 45% of Scottish probationers compared with only 27% of English had negative feelings towards the worker - see Perceptions of Workers).

The only other area mentioned with any regularity was a desire for provision of leisure activities. These appeared to be lacking in most areas visited but it is doubtful whether these should be provided by the Probation Service/Social Work Departments rather than by Community Education/Leisure Services Departments.

Osgood Semantic Differential Scores

The Osgood Semantic Differential, and the scoring system, is described in Part III, Chapter 5.

Working

Table 4.2.56

This was the most positively rated of the Osgood Semantic Differential concepts. Only 2% of the probationers rated it negatively; it had the highest mean score (42) and the highest median (44). 21% of the probationers gave it the highest possible score. The differences between Scotland and England were small and not statistically significant.

Law and Authority

Table 4.2.57

12% of probationers took a negative view of Law and Authority; the distribution of the remainder was spread evenly over the range (29 - 49) with only 9% giving it the highest score (49). The differences between Scotland and England were small and not statistically significant.

Probation

Table 4.2.58

More probationers (15%) took a negative view of Probation than did of Working and Law and Authority, although Probation rated second for the percentage giving it the highest score (49). This, and the distribution, suggested a polarization of attitudes towards Probation, a substantial minority (15%) seeing it very negatively and a majority (68%) rating it positively. The differences between the countries were small and not statistically significant.

Self

Table 4.2.59

The perception of Self cannot be compared directly with the perceptions of the other three concepts.

The distribution showed a curve approximating to normal. 15% of the probationers had a negative self-image; there was a local peak (comprising over 5% of the respondents) at the neutral point (28). If

the values immediately above and below the neutral point are added to those at the neutral point it might be suggested that 10% had an ambivalent self-image. The differences between the countries were small and not statistically significant.

Heimler Scale of Social Functioning Scores

In view of the complexity of the Heimler Scoring System (which makes it unlikely that any two scores are alike) it is not intended to record these. There was little difference between the Scottish and English results.

Summary of Comparison of Samples of Scottish and English Probationers

Scottish probationers were on the whole younger than their English counterparts. In general more Scottish probationers did not support children, more lived in the nuclear family and more were unemployed. More English probationers lived with non-family members and in hostels. Of these background factors the only difference which was statistically significant was that of living arrangements. ($p < .01$)

There were differences in the offences which led to the probation order. More Scottish than English probationers had been found guilty of assault, more of the English than the Scottish of crimes of dishonesty. This difference was almost statistically significant. ($p < .05$) In addition, the Seriousness Quotient of the Scottish probationers was lower than that of the English. This difference too was statistically significant. There were differences also in the periods of time for which the orders were made. In Scotland there were more one year and fewer three year orders than in England. The proportions of two year orders were similar. The differences in lengths of order ($p < .01$) and in requirements of the probation order were statistically significant ($p < .001$) a higher proportion of the Scottish probationers being asked to accept

treatment and a greater proportion of the English being asked to make restitution.

There were small differences in the offending history of probationers. In general Scottish probationers had first been in trouble with the police at an earlier age and more of them reported no previous convictions. More Scottish probationers reported assault and nuisance offences as their most common previous conviction while more English probationers reported dishonesty as their most common previous offence. This difference was almost statistically significant. ($p < .05$) These reports were supported by the local Criminal Records Office figures which showed a higher proportion of Scottish offenders as having previous convictions for nuisance offences, and a greater proportion of the English for crimes of dishonesty. These differences were not statistically significant.

There were similar differences in the self-reported histories of undetected offences. More Scottish probationers reported no undetected offences and others reported more assault and nuisance offences. This difference was significant. ($p < .02$). More Scottish probationers were in the lower (1 - 10) total Seriousness Score range ($p < .05$) and had lower Seriousness Quotients for undetected offences. ($p < .01$)

Perceptions of probation differed a little. A statistically significantly higher number of Scottish probationers mentioned Deterrence as a purpose of probation ($p < .01$) and an almost significantly fewer number mentioned that they saw Situational Help as an intended purpose.

Differences in responses to the Osgood Semantic Differential and in the Heimler Scale of Social Functioning were small and not significant.

Unfortunately time and resources limited further investigation into the correlation of these characteristics with subsequent behaviour, but even if this had been possible it would have been difficult because of the small numbers. In the following chapters the probationers are considered as one group and emphasis is placed upon investigating the correlation of worker characteristics with subsequent probationer behaviour.

Notes

- 1 Assault was grouped with sexual assault, housebreaking was grouped with theft and fraud, damage was grouped with nuisance offences and taking away vehicles without consent was grouped with Road Traffic Act offences. See Table 3.5.1.
- 2 Offences were grouped - 0, 1 - 5, 6 - 10, 11 - 15, 16 - 50, 51 - 100, 100 plus.

No reason to get excited
The Thief he kindly spoke
There are many here among us
Who feel that life is but a joke.

But you and I we've been through life
And this is not our fate
So let us not speak falsely now
The hour is getting late.

Bob Dylan

All Along the Watchtower

PART IV

Chapter 3

DATA FROM FOLLOW-UP INTERVIEWS

It is not intended to show the results of the follow-up interviews (which were compiled in exactly the same manner as the first interview) but to give only tables showing the differences found. These are discussed in later chapters. However, because in a few cases this is not appropriate the information is shown here.

Early termination of orderTable 4.3.1

In almost 80% of cases the order ran for all of the year under consideration. In less than 6% of cases the probationer was breached for breaking conditions of the order. In 12% of cases the probationer was breached because further offences occurred. Less than 5% had the order terminated early because of good progress. (1) It was not possible to draw any conclusions about differences between Scotland and England because the numbers in each category of early termination were so small.

Time at Liberty During Probation PeriodTable 4.3.2

76% of the sample were free during the whole of the year under consideration. Only 5% were not at liberty for any time greater than two weeks. 5% were at liberty for six months or less and a further 14%

were free between 7 and 11 months.

Any large differences in the periods of time during which probationers were at liberty during the year under consideration would affect comparability. Fortunately differences were small. 72% of the Scottish and 79% of the English probationers in the samples were free for all of the twelve months. However, almost 10% of the Scottish sample compared with only 1% of the English sample were not free at all during the year. These differences were not statistically significant.

Number of Times Probationer Seen by Worker

Table 4.3.3

Although this table is based on estimates made by the probationers the researcher (departing from usual practice in this research) made discreet informal inquiries where answers seemed suspiciously large or small. It was thus verified that five probationers did not on any occasion see a worker (the orders were not served) and that one probationer saw his worker something over 200 times! (The worker paled at mention of the name.)

Inspection suggests that there are differences between the countries, English workers having had substantially more contact with probationers than the Scottish. 26% of the Scottish probationers had 5 or less meetings with their worker compared with only 5% in England. At the other end of the scale 29% of English probationers had 25 or more meetings compared with only 18% in Scotland. The differences between Scotland and England were statistically significant only at the .02 level.

Number of Workers

Table 4.3.4

The vast majority of probationers (71%) had only one worker during the year. 12% had two workers and 13% had three or more. Scottish probationers appeared to have slightly fewer changes than English: 23% had more than one worker in Scotland compared with 28% in England. This difference was not statistically significant.

Perception of WorkerTable 4.3.5

This was measured on a seven point scale as in the Osgood Semantic Differential.

Overall probationers has positive feelings towards their workers. Over 37% expressed their feelings in the most positive form: over 60% expressed some positive feelings. Only 5% expressed neutral feelings and 35% negative feelings. However, of the 35% expressing negative feelings over 21% of these expressed them in the most extreme form.

There were differences between the countries. The proportion expressing the most negative feelings was much higher in Scotland (34%) than in England (12%); this division was repeated in the positive category; only 45% of the Scottish compared with 71% of the English probationers expressed positive feelings. This difference was statistically significant. ($p < .01$)

Notes

- 1 Colin Bridges A Study of the Use of Breach Proceedings by Probation Officers Probation Offices, Victoria Chambers, Wood Street, Wakefield WF1 2HE.
This study was made in one of the areas included in the research.

People often take prejudice or habit for truth and in that case feel no discomfort, but if they once realise that their truth is nonsense, the game is up. From then onwards it is only by force that a man can be compelled to do what he considers absurd.

Alexander Huzen
c 1850

Part IV

Chapter 4

THE CHANGES IN PROBATIONERS

In this chapter the results of the test of the first hypothesis -

There are no consistent changes in the behaviour of men made subjects of probation orders after one year on probation

is reported. 173 probationers were interviewed, 167 provided data which could be used; 137 were re-interviewed after one year. Police records were available for 162 probationers - 132 of those interviewed twice and 30 of those interviewed only once. In 83 cases it was possible to match with the appropriate worker probationers who had had only one worker, for whom all information was available and who had been at liberty for all (or almost all) of the period in question. Utilization of the maximum amount of data has caused slight variations in the numbers of cases available for each analysis because in different comparisons information on different variables is required. The numbers available for each analysis are noted.

In order to present the tables in a consistent format and as briefly as possible the words 'worse' and 'better' were used to describe changes in probationer behaviour. 'Worse' meant a change which would be perceived by most as deterioration in behaviour, that is, more convictions, more undetected offences, greater total seriousness, higher

Seriousness Quotient, fewer or less strong relationships, stopping of support for child previously supported, move from work to non-working status, greater number of changes of job, shorter time spent in work, less positive attitudes to social institutions (cases where these attitudes were, at the first interview, very high, are also discussed separately) and deterioration in social functioning. 'Better' means changes in the reverse directions.

This nomenclature was used purely for convenience; it must be appreciated that it is possible to view, for example, increased offending as 'better'. An example of such a view was given in Part I Chapter 3.

Reconvictions

Tables 4.4.1 - 7

Table 4.4.1. shows that 51% of the 162 probationers for whom information was available had at least one recorded conviction during the year under consideration. Table 4.4.2 gives a breakdown of the numbers of convictions recorded.

Although it is considered that it is figures for 'all re-offending' which are important and which should be used in examination of the outcome of probation it is recognised that there is great concern with the behaviour of those who have committed more serious offences. It has already been noted that in many studies focus has been upon the reconvictions of this group. More serious offenders have been isolated and their reconvictions noted. The criteria of 'more serious' - a Seriousness Quotient of 2 or more - cannot be equated with the administrative classifications 'standard list' or 'fingerprint schedule' because these lists are not internally consistent in terms of seriousness. It would, however, be the researcher's opinion that a Seriousness Quotient of 5 might be roughly equivalent to 'standard list'. The figures given here are not, therefore, comparable with those given in studies using such criteria but are rather the figures obtained when

the offences designated trivial, technical and minor in this study are discounted.

Of those whose probation conviction(s) or previous convictions had a Seriousness Quotient of greater than 2, 56% were reconvicted within the year. (see Table 4.4.3) Details of the numbers of reconvictions incurred by these more serious offenders are given in Table 4.4.4.

Hammond's 'rule of thumb' that half of all standard list reconvictions which will be recorded within five years are recorded within the first year after conviction suggests that all probationers in this sample, whether or not they are more serious offenders, will be reconvicted. Utilizing Mannheim and Wilkin's suggestion that for every 170 convicted within five years 100 will be convicted within the first year 86% of all offenders in this sample, and 94% of the more serious offenders will be reconvicted within five years.

These reconviction rates suggest that probation is even less effective than previously found. Even when only the more serious offenders are considered the results are poorer than those found by previous studies. This could, of course, be due to sampling error. It might also be the case that the trend of decreasing probation effectiveness noted by Barr and O'Leary in 1966 (from 80% 'success' rate in 1950 to 68% in 1961) is continuing.

In Part II Chapter 1 it was noted that a number of workers had found that lighter sentences were positively correlated (for many possible reasons) with a lower reconviction rate. Probation, the severest of the non-custodial sentences, has a lower correlation with low reconviction rates than other non-custodial disposals.

Differential responses to treatment processes were discussed in Part II Chapter 1. Table 4.4.5 shows reconviction rates broken down

by age of the probationer. These figures suggest that probation was more successful with offenders aged over 30 years of age but the difference is not statistically significant. Similarly, the difference between the reconviction rates of first offenders and those with previous convictions is not statistically significant (Table 4.4.6) although in this sample those with previous convictions do marginally worse.

It is possible that interaction of age and previous convictions obscures significant results. When current convictions are analysed by age and by previous convictions (Table 4.4.7) it is seen that first offenders of 21 years plus respond more positively than do those with previous convictions under that age. That older first offenders have fewer reconvictions suggests that the more positive results are due to maturation and a lesser criminal commitment. Crime commission declines with age: overall conviction figures show a drop in offending from around this age so it seems reasonable to suggest that the drop in reconvictions is due to the same factors as the general decline in offending. This seems more likely than a differential response to the treatment process.

Undetected Offences

Tables 4.4.8 - 11

Only 37% claimed that they had not committed undetected offences. (Table 4.4.8) The numbers of undetected offences claimed by probationers are shown in Table 4.4.9. It should be noted that large numbers of probationers, 30% of the sample and 47% of those admitting undetected offences, claimed to have committed 9 or more undetected offences. This bears out the assumption made in Part III Chapter 4 that some unrecorded, undetected and unattributed offences are committed by those already on probation and is congruent with the findings of other workers that many offenders commit a large number of undetected offences.

Of those whose probation or previous convictions had a Seriousness Quotient of 2 or more 65% committed further undetected offences.

(Table 4.4.10) The bulk of these (46% of all such offenders and 71% of those who admitted committing undetected offences) claimed to have committed 5 or more undetected offences. (Table 4.4.11)

Comparison of Tables 4.4.8 and 4.4.10 suggests that there is no significant differences between more and less serious offenders in the numbers of undetected re-offences committed.

Convictions plus Undetected Offences

Table 4.4.12

In order to get as accurate as possible a picture of probationers' behaviour it was necessary to add detected and undetected offences. As has been shown accepting the distinction between detected and undetected offences, particularly where minor offences are concerned, is simply formalizing chance. 18% of the probationers claimed more detected than undetected offences, 56% claimed more undetected than detected and 3% claimed the same number. (Table 4.4.12) 15% of those with detected offences claimed to have committed no undetected offences. When detected and undetected offences were combined only 29% appeared not to have re-offended during the year. This gave a 71% failure rate.

Changes in Numbers of Offences

Table 4.4.13

The number of convictions for offences increased in 37% of cases, remained the same in 35% and decreased in 28% of cases when the pre- and post-probation year were compared. The range of change was from 12 offences less than in the previous year to 12 offences more.

59% of the probationers claimed to have committed fewer undetected offences during the year on probation than in the previous year and a further 19% claimed to have committed the same number. In 18 cases this was claimed to be zero in both years. 22% claimed to have

committed more undetected offences than in the previous year.

When the changes in the numbers of detected and undetected offences are computed the pattern changes. With the vagaries of detection removed there is an apparent overall decrease in offending, 65% seeming to have committed fewer offences, 10% appearing to have committed the same number and only 26% appearing to have committed more offences. Although this apparent decrease in re-offending may be due to under-reporting of undetected offences while on probation part of it may be a true overall decrease, with the rate of decrease in undetected offences being greater than in detected, the numbers of undetected offences being greater than the detected and therefore giving more scope for such decrease.

These figures must be treated with caution bearing in mind probationers' difficulty in delineating a year past.

Changes in Seriousness of Offending

Table 4.4.14

The apparent total Seriousness of detected offending increased in 40% of cases, was nil or unchanged in 30% and decreased in 30%. Changes in Seriousness appeared to range from a decrease of 63 points to an increase of 20 points.

57% of probationers described offences which gave lesser total Seriousness in undetected offending while 17% appeared to have about the same total Seriousness. 26% described offences which gave a greater total Seriousness of offending over the year.

When the apparent total Seriousness of the detected and undetected offences are combined for each individual the decrease in total seriousness appeared to be sustained. 35% of the probationers appeared to have a higher total Seriousness score. Only 8% remained unchanged and in 73% of the cases the apparent total Seriousness of offending had diminished.

There is a difference of 9 percentage points between those claiming lesser total Seriousness of offending (73%) and those claiming fewer offences (64%) but this difference is not great enough to suggest that while the majority commit fewer offences any substantial number commit fewer but more serious offences. This slight change is repeated in the negative figures - 26% commit more offences, 35% appear to have a greater Seriousness Score - supporting the idea that while some commit more offences more produce a greater total Seriousness of offending.

Changes in Seriousness Quotient

Table 4.4.15

From the foregoing it is impossible to know whether the decrease in seriousness is caused by a decrease in the number of offences or a decrease in the seriousness of each/some offences. Study of the changes in Seriousness Quotients may shed some light on this.

The Seriousness Quotient of current convictions was higher than the Quotient of previous convictions in 25% of the cases. Of these 42 cases 11 had no prior convictions (apart from the offence/s for which the probation order was made) and in only 3 of these cases was the current Seriousness Quotient higher than that of the probation offence/s. This suggests that even if the number of offences increased (which could be due, for example, to increased police attention) the seriousness of offences is decreasing. Table 4.4.15 shows the patterning of Seriousness Quotient changes. In 70% of cases the Seriousness Quotient fell after the probation order was made. In a further 18% a decline in Seriousness Quotient continued after the probation order was made. Thus in 88% of cases the probation order was consonant with a decline in the seriousness of offending but of course did not necessarily cause it.

Summary of Changes in Offending Behaviour

The results suggest that the conventional method of 'measuring'

the 'success' of probation using standard list or other more serious reconvictions over-estimates its efficacy. In this sample only 23% (Table 4.4.12) of all probationers appeared not to have committed an offence (detected or undetected) during the year. Even these figures may err. The success rates recorded could be inflated due to under-recording of convictions and/or under-reporting of undetected offences. When changes in the number of offences are examined the picture is more encouraging. 64% appeared to have fewer offences (detected and undetected) and the total seriousness of these offences appeared to decline in 73% of cases. In 88% of cases the Seriousness Quotient of probationers' offences appeared to decline or did not increase. What has not been determined is how much these changes differ from that which could have been expected if the offender had not been subjected to the probation process.

Changes in Social Stability

Table 4.4.16

Personal Relationships

84% of probationers interviewed felt that there had been no change in the satisfactoriness or otherwise of their personal relationships during the year. 4% claimed that their relationships had become less satisfactory and 12% felt that their relationships had improved.

Number of Children Supported

The numbers of children supported did not change in 82% of the cases. 17% of the men undertook support of additional children, 7% being births to wives or cohabitees of the probationers. In 5% of cases the probationer undertook support of other children of the wife or cohabitee. 5% of the men ceased to support their own children whom they had previously supported.

Living Arrangements

74% of probationers felt that their living conditions had not changed over the probation year. 15% felt that they had deteriorated and 11% considered that they had improved.

Overall Change in Social Stability

The perceived social stability of 66% of the men was unchanged. 17% of the men considered that there had been a deterioration and 17% reported improvement. The large numbers reporting 'no change' do not reflect failure on the part of the worker. Most of the 66% felt that their relationships and living arrangements were satisfactory (and in most cases this seemed so to the researcher also) and therefore change was not desired. That the same numbers claimed deterioration as claimed improvement suggests that in general probation had little effect upon social stability and that perhaps the Practical Help, Emotional Help and Situational Help offered was of little avail.

Work StabilityTable 4.4.17Change in Work Status

65% of probationers continued either in or out of work without change. 17.5% who had been working became unemployed and 17.5% who had been unemployed found work.

Job Stability

20% of the men in work were in the same job over the year. The apparent Job Stability (as indicated by the number of changes of job over the year) of 44% of the probationers remained the same, that of 24% declined and of 32% improved.

Overall Change in Work Stability

28% of the men either became unemployed for all of the year or worked less than in the previous year. The work stability of 39%

remained unchanged. 33% either entered employment or worked for a longer period than in the previous year. Although the change is in a positive direction the differences are too small to draw firm conclusions.

Changes in Attitude

Table 4.4.18

Working

When the probationers' attitudes to Working were measured with the Osgood Semantic Differential and the results obtained at the first interview compared with those obtained at the second it was found that the attitude of 51% had become less positive, of 19% had remained the same and of 30% become more positive. It could be argued that very high initial scores reflected an unrealistic attitude, yea-saying or conformity, to the presumed views of the researcher and conversely that very low scores reflected nay-saying or anti-conformity. Because further improvement in very high scores is impossible or unlikely and it could be that in such cases a decreased score reflected psychological improvement due, for example, to more realistic attitudes or to increased ability to express own perceptions etc the comparisons were recalculated leaving out those first interview scores of 45 or more to obviate the danger that such cases were artificially depressing the amount of change. Although the results of this calculation are indeed more positive the pattern does not change 40% of the scores decreased, 12% remained unchanged and 48% became more positive.

Law and Authority

59% of probationers recorded a decrease in the positiveness of their attitude towards Law and Authority. 5% recorded the same score and 35% a more positive attitude. Removal of scores above 45 reduced the magnitude of the decrease in positive attitude, but as in the measurement of attitudes to Working, the greatest number showed no

increase in positiveness of attitude towards Law and Authority.

Probation

54% recorded a diminution in positiveness of attitude towards Probation, 12% recorded the same score and 34% showed an increase. When those who scored 45 or more in the first test were discounted 43% showed a decrease and 57% an increase in positiveness of attitude.

That 72 men (54%) originally scored more than 44 in the test might suggest that their perception of the researcher as closely connected with the probation system caused higher conformity on this item. It might also be suggested that the high initial score was due to high expectations, almost all of the sample having had at least the initial interview with a worker who presumably explained the purpose of probation. It is interesting to note that all those probationers who scored more than 44 in the first test repeated scores in this category in the second test.

Self Concept

48% of probationers showed a decrease in self concept, 6% remained unchanged and 45% registered an increase. When those who scored over 44 in the first test (17 men) are removed 44% of the remainder showed a decrease, 6% remained the same and 50% showed an increase. In view of the importance of the self concept and its established relationship with behaviour it is disturbing that the self concept of almost half the sample decreased while on probation. A possible explanation might be that probation itself has acquired a stigma (distinct from the stigma associated with arrest, court appearance etc) and that the continued reporting and contact with workers perpetuates, or even intensifies, stigmatization, so reducing perceptions of personal worth that probation techniques are unable to counteract it.

Another possible explanation is suggested by Rogers (1) who felt that self concept should, during treatment, describe a U curve. He suggested that there should be an initial drop in self concept due to recognition of defects and shortcomings as a necessary prelude to grappling with reality and searching for an acceptable resolution of problems which should be followed by a new higher self concept built on a more realistic foundation. Unfortunately it was not possible to test whether or not this process was taking place because scores at only two points were available so it is impossible to determine intervening values. However, even if this process was taking place one year's 'treatment' should, in most cases, have been sufficient for the drop during the reality-facing phase to have been completed and the concept to have risen again. Further, while the majority of workers saw themselves rendering Emotional Help, which could be interpreted as involving therapeutic intent, it could be objected that probationers are not necessary mentally ill or disturbed and in need of 'treatment', and that the therapeutic process was not necessarily applicable. In this connection it should be recalled that very few workers saw Psychological Treatment as an EMPHASIS in probation.

Changes in Heimler Scores

Tablea 4.4.19, 20

Table 4.4.19 shows that the social functioning, as measured by the Heimler Scale of Social Functioning, of 21% of probationers deteriorated, that of 33% remained unchanged and that of 46% improved. To assess the importance of this finding it is necessary to know the proportion of cases in which functioning was satisfactory in the first instance and the proportion in whom improvement was not, therefore, so necessary. Table 4.4.20 shows the changes broken down by functioning level as measured at the first interview. Almost half of those whose

original functioning level was judged 'adequate' improved, as did about a quarter of those functioning 'well'. Two-thirds of those performing at the lowest level - 'dangerously low' - and who, according to the HSSF were in, or should have been in, institutions, improved. Over half of those whose original score signalled that they were 'in need of help' also improved, but almost a quarter deteriorated, suggesting perhaps that the help available did not fully meet the needs of this group.

Summary of the Changes in Probationer Behaviour

As was pointed out in Part III Chapter 2 changes in probationer behaviour are not necessarily caused by the making of the probation order or by the probation process but any consistent association would, at least, suggest an area for further investigation. The range of measures used in this research covered a wide range of offending and non-offending behaviour in order to examine whether, for example, failure in one area was compensated for by success in another.

When the raw reconviction rates were examined there was little evidence that probation was correlated with any change in the number of reconvictions. There was a slight reduction in the reported number of undetected offences and in the seriousness of re-offending but how far these small differences were due to the probation process and how far to other factors, such as maturation, spontaneous remission, or time itself, cannot be determined.

Social and Work Stability appeared little changed. Positiveness of attitudes towards social institutions decreased in more than half of the sample as did self concept. The deterioration in self concept, a crucial factor in behaviour, and the fact that social functioning

improved in less than half the cases suggests that social and psychological outcomes are at best equivocal. While there is evidence that some individuals were helped by the process the differences, are not sufficient to suggest that overall probation intervention is effective. There appear no grounds to contradict Davies who, when he examined the effects of a Probation Service treatment intervention experiment, concluded -

..... environmental intervention in general, as at present practiced by the Probation Service, appears to have little effect on the presenting problems or on the client's likelihood of reconviction (2)

but rather to extend his conclusion to cover all types of intervention and to include work done in Social Work Departments.

Bibliography

- 1 Carl Rogers Client Centred Psycho-Therapy Scientific American November 1952
- 2 Martin Davies Social Work in the Environment 1974 ubi supra

The prevention of crime depends more on socio-economic and political planning than on the formulation of specific preventive policies and programmes within unjust socio-economic and political systems.

Manuel Lopez-Rey
1972

Part IV

Chapter 5

COMPARISON OF EFFECTS OF PROBATION IN
SCOTLAND AND ENGLAND (and of Samples and Subsamples)

The second hypothesis -

There are no differences between Scotland and England in changes in behaviour of male probationers in any of the areas examined after one year on probation

was formulated to test assertions that probation work in Scotland suffered from being incorporated in Social Work Departments. Any differences in probation outcome in Scotland and England might, however, be correlated with national differences in the characteristics of workers and/or probationers (see Part IV Chapters 1 and 2) and not to differences in the administration of probation systems. The second hypothesis is tested in this chapter after the correlation of these characteristics with probation outcome is ascertained.

In order to test the correlation of worker characteristics with probation outcome it was necessary to pair workers with probationers. Not all workers and probationers could be paired, not all probationers were tested again after one year. The reduced samples (called subsamples) were examined to determine how far they were representative of the samples and, hopefully, of the populations.

Comparison of Worker Sample and Subsample

Table 4.5.1

There is little difference in the distributions except in Sex

where it is substantial and in Experience where the sample is deficient in workers with between five and ten years' experience, and in Grade, where the subsample is deficient in workers in the higher grades. The differences in Experience and Grade can be accounted for by the fact that workers with greater experience are promoted and that those in the promoted posts have low or no caseloads. If Sex, Experience or Grade proved to be highly correlated with subsequent probationer behaviour further tests would have to be appropriately weighted.

Comparison of National Differences in Sample and Subsample

Analysis of the sample of workers (Part IV Chapter 1) showed certain significant differences between Scotland and England. When the subsample was analysed these differences were in the main found to be present although it was not possible to make statistical inferences about the significance of the differences because of the small number of cases in subsample cells. These tables of national differences are not reproduced because of the amount of space they require.

Comparison of Probationer Sample and Subsample

Table 4.5.2

It was possible that the sample of probationers selected by the matching process with workers was different from the total sample in important respects. The sample and subsample of probationers were, therefore, compared. The sample at first interview (N = 173) was used rather than the sample from which the subsample was ultimately drawn (that is, the probationers interviewed twice and for whom police records were available (N = 137)) because the larger sample of 173 was more likely to be representative of the total probation population - those lost between first and second interview may have been more difficult

cases and/or less responsive to the probation process.

The variables selected for comparison were basic demographic variables elsewhere hypothesised (Part III Chapter 4) as influential on offender behaviour. These variables - age, marital status, living arrangements, social class, work status, number of jobs in the year, type of offences resulting in order being made, special conditions of probation order, age at first trouble with police, total number of previous convictions, total seriousness of previous convictions - were compared for sample and subsample. Inspection of these (Table 4.5.2) showed that there were no statistically significant differences between the sample and subsample of probationers. The subsequent hypotheses are, therefore, tested on the subsamples of workers and probationers without weighting.

Preparation for Testing of Second Hypothesis

National differences in outcome could be due to national differences in worker characteristics and not to differences in Scottish and English systems. National differences in probationer characteristics might also account for differences but for the reasons discussed in Part IV Chapter 2 the association between these and outcome was not explored.

Part IV Chapter 1 established that the sample of Scottish workers differed from the sample of English workers in sex distribution, age distribution, grade and type and length of training. Unfortunately in few of the cases in which probationers could be matched with workers was the worker in one of the higher grades. It was not possible, therefore, to examine the association of grade with subsequent probationer behaviour. Similarly, due to the small sample size it was necessary to combine the classification of type of training and length of training. The significant national differences tested were, therefore, age of

worker, sex of worker and training (a combination of type and length). Training was classified as 'no or nominal training of less than one academic year', 'college of education training of 1 to 3 years' and 'degree or degree plus professional training'.

Association of Age of Worker with Subsequent Probationer Behaviour

Table 4.5.3

Workers were divided into three groups - those up to 30 years of age, those between 31 and 40 years and those 41 years and over. Probationer behaviour (measured by those variables described in Part III Chapters 4 and 5) broken down by worker age group was examined. It can be seen from Table 4.5.3 that although there were significant differences in a few measures of subsequent probationer behaviour there was no consistent pattern when all measures were considered together. This suggests that there are no real differences.

Association of Sex of Worker with Subsequent Probationer Behaviour

Table 4.5.4

This table shows the results analysed by sex of worker. It shows a similar random pattern and it might fairly be concluded that sex of worker has a low association with any particular subsequent probationer behaviour.

Association of Training of Worker with Subsequent Probationer Behaviour

Table 4.5.5

This table shows subsequent probationer behaviour analysed by length of training undertaken by the worker. It would seem that workers with no or nominal training less frequently achieved the desired results in probation work but this can be no more than a tentative conclusion because it is not appropriate to conduct any statistical tests because of the small numbers in each cell.

The Test of the Second Hypothesis

Tables 4.5.6 to 22

The elimination of these worker characteristics in which there were

substantial differences between workers in the two countries as determinants of subsequent probationer behaviour makes it possible to test the second hypothesis. Only in Changes in Seriousness of Detected and Undetected Offences did the differences in subsequent probationer behaviour approach a statistically significant level. Table 4.5.23 summarises the differences between Scotland and England. There is no consistency in the differences between the countries. In seven measures - changes in numbers of detected offences, changes in numbers of undetected offences, change in seriousness of detected offences, changes in living arrangements, changes in work status and changes in Osgood Semantic Differential attitude scores for the concept of Probation and the Self Concept - Scotland showed more positive outcome than England and for the other seven measures - change in seriousness of detected offences, changes in relationships, changes in numbers of children supported, changes in job stability, changes in Osgood Semantic Differential attitude scores for the concepts of Working and Law and Authority, changes in Social Functioning - England showed more positive change than Scotland.

The summary measures of subsequent probationer behaviour were equally divided. Scotland showed more positive results for changes in the numbers of offences (detected and undetected) and for changes in social stability. England showed more positive results for changes in seriousness of all detected and undetected offences and in work stability.

These inconsistent and apparently random differences suggest that there are no consistent differences in probationer behaviour subsequent to the making of probation orders in Scotland and England on the measures examined and that the null hypothesis should therefore be accepted.

The aim of future research will be to create the knowledge needed to reduce crime. It must combine the analytic skills of the economist, the jurisprudence of the lawyer, the sociology of the life span, and the analysis of systems. Traditional 'evaluation' will play a modest but declining role.

Robert Martinson

California Research at the Crossroads
Rehabilitation, Recidivism and Research

Part IV

Chapter 6

RESULTS OF DIVISION OF WORKERS BY ORIENTATION

In this chapter the results of the classification of workers by ORIENTATION are set out and the relationship of ORIENTATION with other worker variables examined. The utility of the concept of ORIENTATION is discussed.

It is perhaps useful to describe again briefly the terminology, definitions and measurement system used in discussing ORIENTATION. For a full explanation see Part III Chapter 3. The seven items in Question 13 of the Worker Questionnaire represented important EMPHASES in probation work. These were interpreted as being indicative of ORIENTATION which was expressed on a continuum between the JUDICIAL and CLINICAL poles. Three EMPHASES were associated with each of these and one EMPHASIS was seen as being an EMPHASIS in its own right and a possible adjunct to both.

The direction and strength of ORIENTATION was measured by a scoring system which took account of each of the four EMPHASES selected from the seven in Question 13 and the ranking given to each. The resulting scores were graded into six CATEGORIES (three JUDICIAL and three CLINICAL). In the discussion each CATEGORY is identified by the direction of ORIENTATION (abbreviated to J or C for JUDICIAL or CLINICAL) and its

strength, referred to as DEGREE of ORIENTATION. (1, 2 or 3, with 1 the strongest and 3 the weakest). For example, the strongest category of JUDICIAL ORIENTATION is referred to as JUDICIAL CATEGORY DEGREE 1, or simply J1.

The Results of Division of Workers by ORIENTATION

That the EMPHASES were meaningful to workers and that they felt that their intentions could be described legitimately by them is supported by the fact that all workers completed this section; only three said that they considered it unsatisfactory.

Table 4.6.1 shows the number of workers in each CATEGORY and gives also the percentage of the total number of workers. This is not a normal distribution in which few express extreme views and most fall in the middle. The distribution which would be expected if choices had been made on a random basis according to the number of permutations possible (see Table 3.3.1) is shown in Table 4.6.1. Of those who claimed a firm ORIENTATION (DEGREES 1 and 2) there is a very skewed distribution, 59% displaying a CLINICAL ORIENTATION and only 22% a JUDICIAL ORIENTATION. The difference between the observed and expected frequencies is statistically significant. Within the JUDICIAL ORIENTATION there are fewer choices than would be expected in all degrees but the deviation from the expected frequency is least in the weakest DEGREE J3. In the CLINICAL CATEGORIES there are more choices than would be expected in the strongest DEGREE C1 and fewer in the weakest DEGREE C3. The histogram (Table 4.6.2) shows the pronounced skew in the distribution of ORIENTATION CATEGORIES - the majority of workers were at the CLINICAL pole.

This skewed distribution is not surprising. Knowledge of recent social work selection procedures and training suggests that a skewed

distribution should be expected because social work students were selected on the basis of, amongst other things, sympathy for those intentions which in this study are designated CLINICAL. That social work training has for some years emphasised these and has taught compatible methods has been illustrated in Part I. If this explanation of the skewed distribution is correct it would be expected that workers with most training and those who were trained just prior to the survey when such ideas were pre-eminent, would show a greater CLINICAL ORIENTATION. This is tested and the results shown later in the chapter.

While statistical tests can be facilitated by employing statistical techniques to create a normal distribution this was not done nor were the values redefined to produce a normal distribution of ORIENTATION because it was felt that the distribution obtained reflected the values held at a particular stage in the development of probation and that to depart from this would vitiate the historical perspective developed in Part I.

Division of ORIENTATIONS for Analysis

There are many possible ways of utilizing the ORIENTATION categories for analysis. The most obvious is to examine the correlates of each of the six categories. This is not practical because of the small number (83) in the matched sample (and it would also take up a great deal of space). Comparison by ORIENTATION only, on the other hand, while producing workable numbers, would mean that any effects correlated with DEGREES 3, the intermediate ORIENTATIONS, which are conceptually as close to each other as to those in the stronger DEGREES 1 and 2 would contaminate the possibly different effects of these stronger ORIENTATIONS. This danger could be obviated by ignoring the DEGREES 3 (intermediate) cases and may result in a smaller loss of information in view of the fact

that there are few cases in these categories. Retaining only the clearly differentiated categories and excluding those holding less firm views would allow any differences between JUDICIAL and CLINICAL to be seen more clearly but this wilfully ignores what may be an important group. The intermediate position is conceptually viable and must be held, nationally, by a substantial number of workers.

It was decided to consider these intermediate (Degrees 3) workers as a separate group. This had the advantage of including all available data and retaining it in the form most closely corresponding to actuality. Having three groups also allowed any incremental effect to be seen.

To simplify analysis and enlarge, for statistical purposes, the number of cases in each cell, the categories of ORIENTATION were grouped - J1 and J2, J3 and C3, C2 and C1. These were termed the JUDICIAL, INTERMEDIATE and CLINICAL groups. This grouping allowed any differences between the JUDICIALLY and CLINICALLY ORIENTED to be seen by placing those with less extreme views in a group of their own. The numbers and percentages of workers in each of these groups is shown in Table 4.6.3.

An ORIENTATION not only has direction (JUDICIAL or CLINICAL) but also strength (DEGREES 1, 2 and 3) so it is possible that DEGREE, regardless of direction, is correlated with subsequent probationer outcome. Any clear and firm aim may be consistently associated with particular subsequent probationer behaviours different from that associated with more nebulous intent, or vice versa. It is also necessary, therefore, to test that DEGREE of ORIENTATION alone is not correlated with particular outcome. To facilitate testing of the correlation of DEGREE with outcome two groups were formed. One combined the 'strong' DEGREES (J1 and C1) and the other the 'weaker' DEGREES

(J2, J3, C3, C2). These are referred to as the JC and the R(est) groups in the tables. The numbers and percentages of workers in each of these is shown in Table 4.6.3.

Relationship of ORIENTATION to other Worker Variables

ORIENTATION by Sex

Table 4.6.4

Men had a tendency to be more JUDICIALLY ORIENTED than women. 26% of the men but only 16% of the women were in the JUDICIAL group (J1, J2). The percentages of men and women in the INTERMEDIATE group (J3, C3) were similar. More women were CLINICALLY ORIENTED than men (67% compared with 54%). The difference between the observed and expected distribution was almost statistically significant. ($p = .013$) This difference may in part be due to the fact that until recently the most highly trained were psychiatric social workers educated in the clinical and psycho-analytic tradition, and that most of these were women. The influence of such workers on the profession was noted in Part I Chapter 3. It is suggested therefore that the difference is not sufficient to suggest that ORIENTATION is determined by or can be predicted from Sex.

When ORIENTATIONS are grouped to allow examination by DEGREE (JC,R) there appears to be no association between sex and DEGREE of ORIENTATION.

ORIENTATION by Age

Table 4.6.5

In the youngest age group - those up to 30 years - there was a predominance of CLINICALLY ORIENTED workers. (74%). The percentage declined to 62% in the 31 - 40 years age group and to 41% for all older workers. There are corresponding increases in the percentages in both the INTERMEDIATE and JUDICIAL groups. These differences are statistically significantly different from the expected frequencies so it cannot be said that ORIENTATION and age are independent variables.

While it may be that age itself is responsible for this distribution it seemed more likely that a proportion of the difference could be explained by the selection and training procedures undergone by younger workers who have been selected for and exposed to greater CLINICAL bias in training. That younger workers are more CLINICALLY ORIENTED supports the hypotheses suggested (page 322).

It is also possible that underlying ORIENTATION (and it was postulated in Part I Chapter 4 that ORIENTATION is a persistent characteristic) has a normal distribution but is influenced by knowledge of selection procedures and by training itself, and by peer group opinions, and that the underlying ORIENTATION reasserts itself with age.

DEGREE of ORIENTATION declined with age, 49% of the sample having strong ORIENTATION (mostly CLINICAL) in the under 30 years age group this declining to 27% in the over 51 years age group. This difference is statistically significant ($p < .005$) which means that the hypothesis that DEGREE of ORIENTATION is independent of age cannot be accepted.

ORIENTATION by Experience

Table 4.6.6

The majority of workers (64%) with 10 or less years of experience were in the CLINICAL group. This fell to 44% in the 11 - 20 years' experience group; in the 21 - 30 years' experience group workers with a CLINICAL ORIENTATION were in the minority (16% compared with 42% in the JUDICIAL group) although the numbers in each cell were small. Both the JUDICIAL and INTERMEDIATE groups increased their share with increasing worker experience. The distribution of ORIENTATION by Experience is significantly different from the expected distribution ($p < .001$) so the hypothesis that DEGREE of ORIENTATION and Experience are independent is not confirmed.

ORIENTATION by TrainingTable 4.6.7

This table shows that the more education and training undertaken the more likely the worker is to have a CLINICAL ORIENTATION. 34% of those with no or nominal training were in the CLINICAL group. This rose to 55% for those with one year of training, and to 67% for those with more than one year and up to three years' training. For those with university degrees the percentage in the CLINICAL group was 83%. It is interesting to note that the percentage in the INTERMEDIATE group declined most rapidly with increase in training. ORIENTATION and Training are not, therefore, shown to be independent the difference between the observed and expected frequencies being statistically significant. ($p < .001$)

The distribution of DEGREE of ORIENTATION is not significantly different from the expected distribution.

It was not possible to isolate the extent to which the association of CLINICAL ORIENTATION with Training was the result of selection for Training and the extent to which the content of training was responsible, but the fact that the proportion of CLINICALLY ORIENTED workers increased with length of training suggested that the training component was important (unless it is argued that selection procedures are more selective for longer courses).

A further variable, intelligence, (which it was deemed unwise to attempt to measure) may be an intervening and explanatory factor. It could be that the CLINICAL ORIENTATION was adopted by the more intelligent workers, who were also eligible for longer and more sophisticated training. The greater numbers of CLINICALLY ORIENTED workers with higher levels of training would then be reflecting not the influence of training per se but the higher intelligence which

made them eligible for longer training.

Because of the very significant association of ORIENTATION with Training, and because both Age and Experience have a high correlation with each other and with Training it was decided to examine the interaction of these three.

ORIENTATION by Training by Age

Table 4.6.8

It would seem that age itself was not the critical variable. When ORIENTATION by Training is broken down by Age it is clear that Training is more important. In almost every age group (all except 41 - 50 years) the distribution of workers among the three ORIENTATIONS appears random for those with no/nominal training and as the amount of Training increases so does the percentage showing a CLINICAL ORIENTATION.

ORIENTATION by Training by Experience

Table 4.6.9

Experience seemed to relate to Training in a way which modified ORIENTATION. The proportion of trained workers in the CLINICAL groups declined with increasing experience. For example, for workers with 2 - 3 years' training 80% were in the CLINICAL group after less than 1 year's experience. This dropped to 69% in the 1 - 5 years', and to 60% in the 6 - 10 years' experience groups, rising slightly to 67% in the 11 - 15 years' experience group. In the over-16 years' experience group there were no workers who received 2 - 3 years' training and had a CLINICAL ORIENTATION. It should be borne in mind however that these percentages are based on small numbers but the consistency of this trend which was also present when other categories of training were analysed does suggest that Experience and Training interact to modify ORIENTATION. It might be that time dilutes the effects of training or that other influences and experience induce change. As already suggested it is also possible that pre-training ORIENTATION re-asserts itself over time. An alternative explanation might be that worker training schemes became

more clinically oriented in the years prior to the survey.

ORIENTATION by Grade

Table 4.6.10

The majority of main grade workers (63%) were in the CLINICAL group. Only 23% were in the JUDICIAL group and 15% in the INTERMEDIATE group. When the responses of trainees were analysed only 6% were in the JUDICIAL group, 38% were in the INTERMEDIATE group and 55% in the CLINICAL group. Trainees showed the largest proportions in the INTERMEDIATE group suggesting perhaps that these embryo workers were still in the process of deciding their priorities in probation work or it may reflect the beginnings of a swing away from the CLINICAL pre-eminence. Similarly, of the assistants 32% were in the JUDICIAL group, 32% in the INTERMEDIATE group and 36% in the CLINICAL group.

These differences are statistically significant. ($p < .001$)

When DEGREE of ORIENTATION is analysed by Grade the observed distribution is not statistically significantly different from the expected distribution.

ORIENTATION by Number of Cases of Worker

Table 4.6.11

It is not suggested, of course, that the number of cases held determined ORIENTATION but it could be that workers of different ORIENTATIONS had, either by choice or accident, significantly different numbers of cases. Table 4.6.11 shows that there is no statistically significant difference.

ORIENTATION by Number of Probation Cases of Worker

Table 4.6.12

This table showed that there was no statistically significant difference in the distribution of the number of probation cases.

ORIENTATION by Attitude to Working
(measured by Osgood Semantic Differential)

Table 4.6.13

The majority of workers (78%) with neutral or negative attitudes

to Working were in the CLINICAL group. The percentage of CLINICALLY ORIENTED workers fell as attitudes to Working became more positive. Amongst workers with an Osgood Semantic Differential score of 29 - 40 66% were in the CLINICAL group; of those with a score of 41 - 45 52% were in this group and for those with a score of over 45 the percentage in the CLINICAL group fell to 41%. This decrease in the percentages of workers in the CLINICAL group was accompanied by a rise in the percentages in both the INTERMEDIATE and JUDICIAL groups although the rise in the latter is more striking. 11% of workers with neutral or negative attitudes to Working were in the JUDICIAL group but amongst workers with the more positive attitudes 39% were in the JUDICIAL group. The statistical test suggests that ORIENTATION and attitude to Working are not independent. ($p < .001$)

DEGREE of ORIENTATION did not appear to be associated with attitude to Working.

ORIENTATION by Attitude to Law and Authority
(measured by Osgood Semantic Differential)

Table 4.6.14

Workers in the CLINICAL group accounted for 83% of workers with neutral or negative attitudes. The CLINICAL accounted for only 40% of those with the most positive attitudes, and the JUDICIAL and the INTERMEDIATE groups accounted for successively larger percentages of workers as attitudes became more positive although the rise in the percentages in the JUDICIAL group was more substantial. The distribution of ORIENTATION by Attitude to Law and Authority differed significantly from the expected distribution. ($p < .001$)

There is no correlation of Attitude to Law and Authority with DEGREE of ORIENTATION.

ORIENTATION by Attitude to Probation
(measured by Osgood Semantic Differential)

Table 4.6.15

76% of workers with negative or neutral attitudes to Probation were in the CLINICAL group. 63% of workers with a score of 29 - 40 were in the CLINICAL group; this fell to 55% when scores between 41 - 45 were considered and to 38% when scores over 45 were examined. The percentages of workers in the JUDICIAL and INTERMEDIATE groups rose correspondingly. It cannot therefore be assumed that ORIENTATION and attitude to Probation are independent. ($p < .001$)

DEGREE of ORIENTATION did not seem to be correlated with attitude to Probation.

ORIENTATION by Self Concept
(measured by Osgood Semantic Differential)

Table 4.6.16

Table 4.6.16 showed a distribution of ORIENTATION groups similar to that found in the Attitude tables. The dominance of the CLINICAL group in the negative and neutral attitude range is, however less strong. Decline of this dominance was also less marked until the most positive class was examined. Workers in the CLINICAL group comprise between 50% and 60% of workers with scores of 45 or less but in the over 45 scores this dropped to 22%. This suggested that ORIENTATION and Self Concept are not independent.

Summary of Relationship between ORIENTATION
and Attitude (measured by Osgood Semantic Differential)

Tests of attitudes to Working, Law and Authority and Probation, and the Self Concept, as measured by the Osgood Semantic Differential, showed that CLINICAL ORIENTATION was associated with less positive attitudes to these concepts. As was noted in the discussion of definitions (Part I Chapter 4) ORIENTATIONS were in part derived from and in part encompass Attitudes so such correlation should be expected.

Because workers with CLINICAL ORIENTATIONS consider the good of the individual pre-eminent rather than the good of society the low ratings given by CLINICALLY ORIENTED workers to these predominantly social concepts is congruent with the definition and conversely so is the JUDICIAL ORIENTATION higher scorings.

Summary

In this chapter it was shown that workers accepted the concept of ORIENTATION and that the method and scale of measurement developed allowed ORIENTATION to be expressed in unambiguous form. While this gives it a certain usefulness the primary purpose was to account for differences in subsequent probationer behaviour and thus permit manipulation of probation process and prediction of outcome. For this it was necessary to establish that ORIENTATION was more than a concomitant or reflection of some other, perhaps more basic, variable. Direction of ORIENTATION was found to be associated with certain attitudes to some social institutions. This was congruent with the definition and to be expected because ORIENTATION was intended to encompass and take account of attitudes. Direction of ORIENTATION was also found to be correlated with sex, age, experience and amount of training but it was earlier established that none of these variables was associated with particular changes in probationer behaviour. (Tables 4.5.3 - 5) DEGREE of ORIENTATION was associated only with age, younger workers expressing stronger DEGREES of ORIENTATION than older.

It can be concluded that ORIENTATION is different from the other variables measured.

A statistical analysis, properly conducted, is a delicate
dissection of uncertainties, a surgery of suppositions.

M J Moroney

Facts from Figures p 3

Part IV

Chapter 7

DIFFERENCES IN SUBSEQUENT PROBATIONER
BEHAVIOUR CORRELATED WITH WORKER ORIENTATION

In this chapter the fourth hypothesis that -

Worker ORIENTATIONS are differentially correlated with changes in probationer behaviour.

was examined. To determine possible differences in behaviour of probationers after the making of the probation order the matched sample of 83 probationers and workers, those who could be paired, for whom there had been two interviews and for whom local Criminal Records Office data were available, was examined. It has already been established that workers in the subsamples did not differ substantially from those in the total sample when the characteristics of the two groups were compared. When a similar exercise was performed with the probationer sample and subsample some differences were found. While it is unlikely that these affect the results they should be borne in mind.

Analysis of Probationer Behaviour Subsequent
to the Making of the Probation Order

For this analysis the ORIENTATIONS were grouped in the same way as in the previous chapter, that is, workers were divided into JUDICIAL, INTERMEDIATE and CLINICAL groups, and into JC/REST groups.

Changes in subsequent probationer behaviour were compared for each of these groups. The JC/REST division produced no statistically significant relationships with any of the measures of probationer behaviour and although the data is included in the tables it is not commented upon in the text. As in Part IV Chapter 4 the words 'worse', 'no change' and 'better' were used to describe changes in behaviour; it is again noted that these value terms are not necessarily universally accepted.

In assessing differences in the correlations of the three groups - JUDICIAL, INTERMEDIATE and CLINICAL - emphasis was placed upon the degree of 'improvement' found. Very similar, but not identical, results were found when 'deterioration' was measured. However, because it was assumed that it was the intention of workers to effect change in the direction designated 'improvement' (It should be noted that 'deterioration' might in fact reflect successful work in that the work prevented the situation from being even worse.) it was decided to use 'improvement' as the primary measure.

Because the matched sample contained only 83 cases and percentages alone would give a misleading appearance to the results absolute values were given in the test, with percentages in brackets, and in the tables. In cases of a tie between ORIENTATION groups, or two groups falling within one percentage point of the other the 'better' and 'no change' categories were combined. Where the '=' sign appears it does not signify absolute arithmetic equality but that there was no practical difference.

Change in Number of Detected Offences
(Local Criminal Records Office data)

Table 4.7.1

Inspection suggested that CLINICALLY ORIENTED workers produced most favourable results 15 (31%) of the probationers of these workers

showing reduction in the number of offences committed compared with 3 (21%) of those with INTERMEDIATE ORIENTATION workers and 3 (14%) of those with workers with a JUDICIAL ORIENTATION. There was, however, little difference in the proportions who had committed more offences - 16 (33%) of CLINICALLY ORIENTED workers' clients, 4 (29%) of INTERMEDIATES' and 7 (33%) of the JUDICIALS'. A chi square test suggested that this difference was not statistically significant.

Change in Number of Undetected Offences Reported Table 4.7.2

Inspection suggested that CLINICALLY ORIENTED workers achieved greatest success in reducing the amount of undetected offending, 32 (66%) of their probationers reporting a decrease in the number of undetected offences compared with 7 (50%) of the INTERMEDIATE group and 9 (47%) of the JUDICIAL. Only 9 (19%) of CLINICAL supervisees reported an increase in undetected offending compared with 3 (21%) of INTERMEDIATE and 7 (37%) of JUDICIAL. The chi square test suggested that this difference was not statistically significant.

Change in Total Number of Offences
(Detected plus Undetected) Table 4.7.3

Inspection suggested that CLINICALLY ORIENTED workers were most successful, overall, in reducing the number of offences. 34 (71%) of their probationers, compared with 10 (53%) of JUDICIAL and 8 (57%) of INTERMEDIATE committed fewer offences. Additionally, only 8 (17%) of their probationers, compared with 7 (36%) of JUDICIAL and 4 (29%) of INTERMEDIATE supervisees committed more offences.

Change in apparent Seriousness Score
of Detected Offences Table 4.7.4

The CLINICALLY ORIENTED workers seemed to have had most success in reducing the apparent total seriousness of offending for which their probationers were convicted but the difference was small. INTERMEDIATE

group workers appeared to have reduced total seriousness in 3 (21%) of their cases and the JUDICIAL in 4 (19%). Paradoxically, more of the CLINICALLY supervised probationers increased their total Seriousness Scores - 19 (40%) compared with 5 (36%) of the INTERMEDIATE and 7 (33%) JUDICIAL. These differences are small. The chi square test showed no statistically significant difference.

Change in apparent Seriousness Score of
Undetected Offences Reported

Table 4.7.5

Inspection suggested that CLINICALLY ORIENTED workers were marginally more successful in reducing the apparent total seriousness of undetected offences 27 (56%) of their clients having lower Seriousness Scores on the basis of their reported undetected offences compared with 10 (52%) of the JUDICIAL and 6 (42%) of the INTERMEDIATE groups'. Further, only 13 (27%) of the CLINICAL group's probationers appeared to have increased Seriousness Scores compared with 4 (29%) of the INTERMEDIATE group's, and 6 (32%) of the JUDICIAL group's. These differences were not statistically significant.

Change in apparent Seriousness Scores
of all Offences (Detected and Undetected)

Table 4.7.6

Inspection suggested a marginal superiority on the part of CLINICALLY ORIENTED workers 28 (58%) of whose probationers appeared to have lower total Seriousness Scores than the INTERMEDIATE group's with 4 (33%) and the JUDICIAL group's with 10 (53%). Further, only 16 (33%) of their probationers appeared to have greater total Seriousness Scores, compared with 6 (50%) of the INTERMEDIATE and 7 (37%) of the JUDICIAL group's. This difference was not statistically significant.

Summary of Pragmatic Measures

Although none of the differences between the three groups - JUDICIAL, INTERMEDIATE and CLINICAL - were, individually, statistically

significant in any case those probationers with a CLINICALLY ORIENTED supervisor did better consistently, and those with a JUDICIALLY ORIENTED supervisor did least well. The pattern was slightly accentuated when the undetected offences were taken into account, and further increased when all offending was considered. Such consistency suggested that there is some real difference.

Change in Relationships

Table 4.7.7

Overall probationers' relationships changed little after the making of the probation order. 44 (92%) of those supervised by CLINICALLY ORIENTED workers reported that there was no change in their relationships as did 12 (86%) of the INTERMEDIATE and 16 (76%) of the JUDICIALLY ORIENTED workers' supervisees. 3 (14%) of the JUDICIALLY supervised men reported a deterioration in their relationships against only 1 (2%) of the CLINICALLY supervised. Improved personal relationships were reported 2 (14%) of those supervised by the INTERMEDIATE ORIENTED workers, by 2 (10%) of the JUDICIALLY ORIENTED and by only 3 (6%) of the CLINICALLY ORIENTED workers' probationers. The INTERMEDIATE ORIENTATION had greatest success, followed by those with a JUDICIAL ORIENTATION. This result was not statistically significant. Indeed, the most noteworthy aspect of these figures appeared to be the large numbers who reported 'no change'.

Change in Numbers of Children Supported

Table 4.7.8

It is not suggested that workers were, directly or indirectly, responsible for increase in probationers' families, but that cessation of support for previously supported children might serve as a measure of instability.

The majority of probationers reported that there was no change in their family size. The very small numbers reporting change suggested that the CLINICALLY and INTERMEDIATE ORIENTED workers had

fewer failures in this field. Only 1 (2%) of the CLINICALLY ORIENTED workers' clients withdrew support from children and none of the INTERMEDIATE workers' clients did so. This compared with 3 (14%) of the JUDICIALLY ORIENTED group's clients. (There were no deaths.)

Change in Living Arrangements

Table 4.7.9

Inspection suggested that probationers supervised by INTERMEDIATE ORIENTED workers were marginally more successful in improving their living arrangements, 2 (14%) reporting an improvement, 2 (14%) reporting deterioration, compared with 4 (8%) of those supervised by CLINICALLY ORIENTED workers who reported improvement and 7 (15%) who reported deterioration. 1 (5%) of the JUDICIALLY supervised probationers reported improvement and 4 (19%) reported deterioration. These differences were not statistically significant.

Change in Social Stability (Composite Measure)

Table 4.7.10

No individual result was statistically significant nor was a collation of these three measures (change in the number of children being included only where it was negative). Probationers supervised by workers with an INTERMEDIATE ORIENTATION had however more improvement. 6 (13%) of cases supervised by CLINICALLY ORIENTED workers reported improvement, 3 (21%) of those supervised by a worker in the INTERMEDIATE group and 3 (14%) of those supervised by a worker in the JUDICIALLY ORIENTED group reported improvement. These differences were not statistically significant.

Change in Work Status

Table 4.7.11

Inspection suggested that INTERMEDIATE ORIENTED group's probationers had more success in finding employment than did those supervised by either of the other two groups, 5 (36%) of the INTERMEDIATE group's probationers moving into employment compared with none of those supervised by a JUDICIALLY ORIENTED worker and 12 (25%) of those

supervised by a CLINICALLY ORIENTED worker. On the other hand, 3 (21%) of the probationers supervised by an INTERMEDIATE ORIENTED worker ceased to be employed compared with only 6 (12%) of those CLINICALLY supervised and 8 (38%) of those JUDICIALLY supervised. The differences were statistically significant. The difference remained statistically significant when those who did not change employment status were removed from the calculation.

Change in Job Stability

Table 4.7.12

The INTERMEDIATE group's probationers produced both the greatest proportion of diminution and of increase in job stability with 5 (36%) in each category, 4 (28%) of the cases remaining unchanged. Of the other two groups those supervised by CLINICALLY ORIENTED workers appeared to have been more successful, 15 (31%) showing improvement compared with only 5 (24%) of those supervised by JUDICIALLY ORIENTED workers. These differences were not statistically significant.

Change in Work Stability (Composite Measure)

Table 4.7.13

When the scores of Change in Work Status and Change in Job Stability were combined to give an impression of the probationers' working stability it was found that 25 (30%) appeared to be less stable, 29 (35%) remained the same and 29 (35%) improved. Those supervised by CLINICALLY and INTERMEDIATE ORIENTED workers achieved the greatest improvement. 20 (42%) of the CLINICAL group's probationers, 5 (36%) of the INTERMEDIATE group's and 4 (19%) of the JUDICIALLY ORIENTED group's probationers increased work stability. It appeared, therefore, that in both Change in Work Status and Change in Job Stability the INTERMEDIATE ORIENTED group's probationers had greatest success but that when these measures were combined into the composite Change in Work Stability the CLINICALLY ORIENTED workers had greatest success.

Summary of Subjective Measures

Probationers supervised by workers with an INTERMEDIATE ORIENTATION had most positive change in subjective measures except in the composite measure Change in Work Stability in which the numbers of probationers with CLINICALLY ORIENTED workers were greatest.

Attitude Change

Working

Table 4.7.14

Inspection suggested that probationers supervised by workers with an INTERMEDIATE ORIENTATION produced the greatest proportion of change in a positive direction 8 (57%) compared with only 5 (24%) of those supervised by JUDICIAL and 12 (26%) of those supervised by CLINICAL workers. The differences are not statistically significant.

The pattern was repeated when only those whose initial score was less than 45 were considered. There was an improvement in attitude in 7 (78%) of probationers with an INTERMEDIATE ORIENTED worker and in 12 (63%) of probationers with a CLINICALLY ORIENTED worker compared to only 4 (26%) of those with a JUDICIALLY ORIENTED worker. This is an example of a case where unrealistic initial high scores (29 out of 48 probationers supervised by CLINICALLY ORIENTED workers scored 45 or more) were reduced to more realistic levels; the figures in the table for all scores producing an artificially depressed view of the CLINICALLY ORIENTED workers' probationers' performance.

Law and Authority

Table 4.7.15

Inspection suggested that the INTERMEDIATE group's probationers became marginally more positive in their attitudes to Law and Authority, 6 (43%) of these cases showing a more positive attitude compared with 7 (33%) of those JUDICIALLY supervised and 15 (32%) of those CLINICALLY supervised.

Again, consideration of only those who scored less than 45 in the initial test suggested that the CLINICALLY ORIENTED workers were nearer to the INTERMEDIATE than to the JUDICIAL but once more the differences are not statistically significant.

Probation

Table 4.7.16

Inspection suggested that the INTERMEDIATE group's probationers had more positive change, 7 (50%) of them showing a more positive attitude towards Probation compared with 7 (33%) of the JUDICIALLY ORIENTED and 18 (38%) of the CLINICALLY ORIENTED supervisees. The difference was not statistically significant.

When those whose initial score was less than 45 are considered the CLINICALLY ORIENTED workers produced only slightly higher numbers 13 (68%) compared with 7 (64%) of attitude improvement but again the differences were not statistically significant.

Self Concept

Table 4.7.17

Inspection suggested that those probationers supervised by INTERMEDIATE ORIENTED workers showed more positive change in Self Concept, 7 (50%) of them changing in a positive direction compared with 7 (37%) of the JUDICIALLY supervised and 20 (43%) of the CLINICALLY supervised.

It is interesting to note that a very much smaller number of probationers had an initial score of over 45 (only 10). When these were removed there was no change in the ordering but again the INTERMEDIATE and CLINICALLY ORIENTED groups moved closer together while the JUDICIAL remained unchanged. The differences were not statistically significant.

Summary of Attitude Change

Although none of the differences between the groups of probationers

supervised by workers with JUDICIAL, INTERMEDIATE and CLINICAL ORIENTATIONS were in themselves statistically significant marginally more INTERMEDIATE ORIENTATION workers' probationers became more positive in each of the concepts examined. This held good when those who originally scored more than 45, who might have been considered to have had unrealistically high perceptions of the concept, or to have been attempting to give the 'correct' answer, were removed, except in the case of Probation where the CLINICALLY ORIENTED workers' probationers made marginally more positive change. None of these differences were statistically significant.

Change in Social Functioning

Table 4.7.18

Inspection suggested that probationers with INTERMEDIATE ORIENTED workers showed most change in social functioning, 8 (57%) of them compared with 23 (48%) of those CLINICALLY supervised and 8 (38%) of those JUDICIALLY supervised showing improvement. Further, only 1 (7%) probationer with an INTERMEDIATE ORIENTED worker appeared to decrease in social functioning compared with 8 (17%) of those supervised by CLINICALLY ORIENTED and 6 (29%) of those supervised by JUDICIALLY ORIENTED workers. 5 (36%) of the INTERMEDIATE ORIENTED workers' clients remained at the same level (in 4 cases this level was satisfactory at the time of the first interview) as did 17 (36%) of the CLINICAL supervisees (of whom 12 had satisfactory scores at the first interview) and 7 (33%) of the JUDICIALLY supervised (of whom 3 had satisfactory scores at the first interview). These differences were not statistically significant.

Summary of Changes

Table 4.7.19

From the table of rank ordering of changes in probationer behaviour will be seen the clear pattern of results which suggested that although only a few results were statistically significant there were some

differences in probationer behaviour associated with worker ORIENTATION. Probationers with CLINICALLY ORIENTED workers made most positive change in the areas of offending and those supervised by workers with an INTERMEDIATE ORIENTATION made more positive changes in all other areas.

That reduction in probationer offending was more closely associated with the CLINICAL ORIENTATION in workers and improvement in sociological and psychological variables with the INTERMEDIATE ORIENTATION is difficult to explain. It is a common assumption that there is a connection between inability to function in society and offending behaviour, either causal (but not necessary) or because both are caused by the same or similar pre-existing factor or factors. From this is derived the further assumption that improvement in psychological and sociological health, and in social functioning, will be associated with diminution in anti-social behaviour. The disjunction in results suggested that these assumptions may not be valid but without replication it is of course impossible to challenge them with any degree of confidence.

It is difficult to assert categorically on the basis of the (rather weak) associations found in this study that there is a causal link between worker ORIENTATION and probationer behaviour. Whilst the first, second and third hypotheses were tested on a satisfactorily large sample the fourth hypothesis was tested on only 83 matched cases. While there is reason to believe that the samples of both workers and probationers were typical of the population it was not possible to have a control group of offenders subject to no and to other non-custodial disposals. Comparison of probationer performance with base expectancy rates was rejected because of the lack of knowledge in this area and of satisfactory statistical techniques. Further, the tests did not control for pre-existing probationer variables (except age and previous

convictions in testing the first hypothesis) which might have had a bearing on probationers' subsequent behaviour. Such an analysis would have required a much larger sample. There was no examination of interaction between other worker variables and probationer variables nor was the probation process studied. The reasons for these decisions were discussed in the text.

Nevertheless while further research on the possible influence of these variables is necessary the consistency of the results, which would occur by chance in only one in twenty-seven cases, suggested that it would be worth while repeating the test to see if the association was confirmed. This should possibly be followed by an investigation of features common to each types of worker which might account for differences in subsequent probationer behaviour.